

Date Sept 24 1974  
Ne Varietur

George Bonnell Jr.  
Judge District Court

New Orleans, La.  
March 7, 1974.

I, Clay Dean, do make this my last will and Testament. I revoke all other wills and Codicils previously made by me.

I give and bequeath to Peggy Herrington Day the sum of \$2,000

I give and bequeath to Mary Alice Herrington Brussard the sum of \$2,000.

I give and bequeath to Suzanne Day Bassit the sum of \$2,000.

I give and bequeath the sum of \$5,000 to Winston Gene Wall.

I give and bequeath to Winston James Wall the sum of \$5,000.

I give and bequeath to my housekeeper Willie May Guidry, if in my service at the time of my death, the sum of \$1500.

I give and bequeath to William Henry Fombydunzel of 101 Madison Street, Whitwell, N.C. the following described property:

1. All the furniture, furnishings and household appliances located at and contained in my residence at 1024 St Peter St, New Orleans Louisiana.

2. The sum of \$7500 in cash.

I give and bequeath to Tom Cox the following described property:

1. The real property and the improvements situated thereon located at Hammond Louisiana bearing municipal number 571 South Walnut Street

2. All of the furniture, furnishings and household appliances located at and contained in 571 S. Walnut St

Date Sept 24 1974  
No Varietur

(2)

George L. Connolly Jr.  
Judge Div.

This legacy of the property 511 South Walnut Street and the furniture and furnishings contained and located therein at the time of my death is conditioned upon the assumption, or payment in full, by Tom Cox of any mortgage, mortgages, lien or other encumbrances, if any there are, bearing against said property at the time of my death.

I give and bequeath to Tudson O'Connell of Hollywood, California the vendor's lien and mortgage note of Tri-E Inc. in the principal sum of \$46,715.71, payable in monthly installments of \$549.63 with interest at the rate of 6% per annum from date until paid, which said note is paraphrased No Varietur by Edward F. Wegmann, Notary Public, for identification with an act of sale and mortgage executed before him on October 16, 1964.

I give and bequeath the rest and residue of all property of every kind and nature, which I die possessed of to Arthur Jefferson Biddison, and hereby name him as residuary legatee of my estate.

All estate inheritance and other death duties or taxes of any nature, which may be assessed or imposed with respect to my estate, or any part thereof, wherever situated, whether or not passing under my will, including taxable values of all policies of insurance on my life, includable in my estate for the purpose of such taxes and duties, shall be paid out of my residuary estate as an expense of administration and without apportionment, and shall not be pro-rated or charged against any of the other bequests in this will or

Date Sept 24 1974  
No Varietur  
George L. Connolly Jr.  
Judge Div.



Sept 24, 1974

3

George Bonnelly Jr  
Judge Div.

...st property passing under this will.  
I name and appoint Edward W. Wegmann  
as executor of my estate to serve with seizen  
and without bond.

This entirely written dated and signed by  
me at New Orleans, Louisiana this  
8th day of March, 1974.

Clay Shaw

Date Sept 24, 1974  
No Varletur

George Bonnelly Jr  
Judge Div.

Shaw

Clay

A TRUE COPY  
DEPUTY CLERK, CIVIL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LA.

STATE OF LOUISIANA

PARISH OF ORLEANS

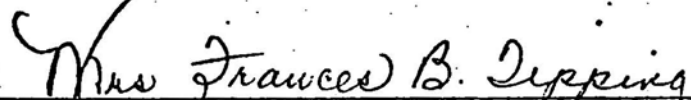
BEFORE ME, the undersigned authority personally came and appeared:

- 1) ARTHUR JEFFERSON BIDDISON, and
- 2) MRS. FRANCES B. TIPPING,

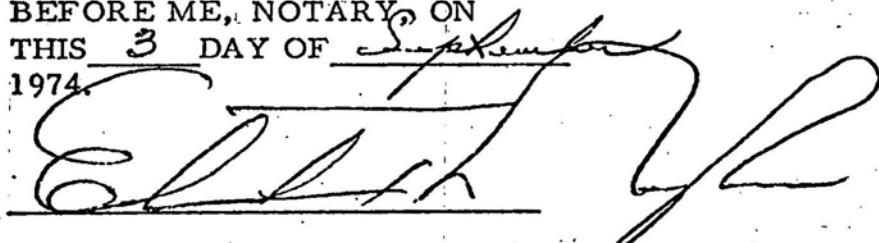
both of the full age of majority, and residents of and domiciled in the Parish of Orleans, Louisiana, who did depose and state that:

They were well acquainted with the late Clay Shaw, also known as Clay L. Shaw, who died at his domicile in the Parish of Orleans, Louisiana, on Thursday, August 15, 1974; that the decedent's parents, Alice Rebecca Herrington, Wife of, and Glaris Lenora Shaw, both predeceased him; that the decedent had no children whatsoever; that the decedent was never married; that the decedent never adopted anyone, nor was he ever adopted by anyone.

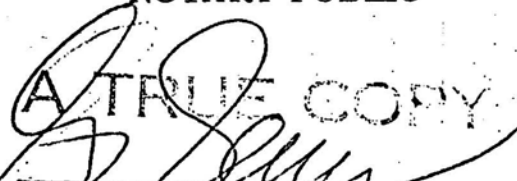
  
ARTHUR JEFFERSON BIDDISON

  
MRS. FRANCES B. TIPPING

SWORN TO AND SUBSCRIBED  
BEFORE ME, NOTARY ON  
THIS 3 DAY OF September  
1974.



NOTARY PUBLIC

  
A TRUE COPY  
DEPUTY CLERK, CIVIL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LA.

579-033

No.
FILED
SEP 5 1974
A. School
DEPUTY CLERK
CIVIL DISTRICT COURT

APPENDIX C

IVON

Record Form No. 6  
(July, 1936)

UNITED STATES DEPARTMENT OF JUSTICE  
BUREAU OF PRISONS

SENTENCE NOTICE TO INMATES

UNITED STATES PENITENTIARY  
McNEIL ISLAND, (Name of Institution) WASHINGTON

(Place)

June 9<sup>th</sup>, 19 67

To BUICK, Robert Clayton No. A-32243-M

According to commitment papers in your case you were  
sentenced December 9<sup>th</sup>, 1966, to a term  
of 20 years months days.

Fine \$ \_\_\_\_\_ Committed \_\_\_\_\_ Not Committed \_\_\_\_\_

Costs \$ \_\_\_\_\_ Committed \_\_\_\_\_ Not Committed \_\_\_\_\_

You were received at this institution 5-13-67

Your sentence begins 12-9-66

You are eligible for parole Set by US Board of Parole

Your "good conduct" term expires 9-18-79

Your full term expires 4-8-86

Good time allowed 2400 days.

Allowed 244 days Jail Time.

J. WAYNE

Record Clerk

FPI-LK-3-3-63-4M-1865



BOX NO. 1000  
STELLACOOM, WASHINGTON 98388  
OFFICIAL BUSINESS

POSTAGE AND FEES PAID  
F.B.I.

TO Richard von Kleist

P.O. Box 322

Upland, California 91786

*Ricard von Kleist*

(Copied verbatim as dictated)

Hotel Luna, Mexico City, July 1963

Parties included in plot were Alex Hydell, otherwise known as Lee Harvey Oswald; a female attorney who is well known Communist in Los Angeles (blond, about 35 years age at that time); hotel headwaiter, Frity, first name unknown, who owned a launch believed to be shuttling between Mexico and Cuba. Also believed to be involved - Warren Brogie, hotel chain manager; and Richard Case Nagell, former Captain, U.S. Army, associated with Counter Intelligence in Japan in 1959. Barbara Warren was involved with Alex Hydell and Brogie at the time scheme was planned.

Nagell sent letter to J. Edgar Hoover warning him of plot against Kennedy and naming Alex Hydell as one of the assassins. Hydell was not known to Nagell as Lee Harvey Oswald.

The copy of the letter Richard Case Nagell wrote to J. Edgar Hoover on August 13, 1963, informing him of Oswald's plan to kill Kennedy is being held by Nagell's sister, Eleanor Gambert, 82-25 Grand Ave., Long Island, N. Y. \* The letter contains information about Oswald, who was named and referred to as Alex Hydell, and advises Hoover that Kennedy would definitely be killed.

The history of Richard Case Nagell is important. While a member of Counter Intelligence in Tokyo, he was dealing with a Soviet attache officer stationed with Russian Embassy in Tokyo at that time. He was approached several times and was

*Spelling?*

*Letter being filed in 17-12-63*

*Correct*

*address still same as 4-17-68*

*house R. Gambert 82-25 Grand Ave. Elmhurst, Long Island, N.Y.*

said to have dealt with said Russian officer as to vital information (classified).

A year or so later Nagell, while working for California Alcohol Beverage Control, was shot through the right chest when involved with a Los Angeles police officer because of Communistic implications. He survived gunshot wound and took off to Mexico or Cuba in launch owned by Fritzy of the Hotel Luna. All of this is and was known by J. Edgar Hoover and FBI.

Nagell was later arrested in El Paso for bank robbery after discharging a firearm in an El Paso bank. He was in Leavenworth Federal Prison for 2½ years and was later brought to El Paso for an appeal. Appeal was denied. From there he was sent to Springfield, Missouri (Federal Prison) and is believed to still be there-(Now listed as mental patient?)

Further information coming on Barbara Warren and a Dr. Fujiyama.



Mr. John W. Price.  
Mr. Robert C. Buick. (2)

CUARTO 306 CUOTA \$ 110.00.  
18 de Marzo de 1962.

HOTEL  
LUMA

MEXICO, D. F.

Resv: Cliente.  
Paga: Cliente.  
Proc: Rialto California.  
Tarj: 14043-42-  
gvg.

Nº 9325

FECHA DE LLEGADA

CA- JE- RO	DIA DATE	ALOJAMIENTO ROOM	RESTAURANT	BAR	TELEFONO Y TELEGRAMAS	LAVANDERIA Y VALET	DIVERSOS VARIOUS	TOTAL DEL DIA TOTAL FOR THE DAY	AJUSTE ADJUSTMENT	PAGOS PAYMENT	SALDO BALANCE
	18	11000						11000			11000
	19		( DEPOSITO APLICADO.)						11000	24980	13980
	20	11000						11000	13980	-	2980
	20	11000		1500				12500	2980	-	9520
	21		1200								
	21	11000	800					13000	9520		22520
	22	11000						11000	22520		33520
	23	11000						11000	33520		44520
	24									44520	
										PAGADO	

ESTADIO IGNACIO ZARAGOZA  
CHETUMAL, Q. R.

Dom. 15 de Septiembre de 1963 - A las 4 p. m.

*Grandiosa Corrida de Toros*

Con asistencia del Sr. Gobernador

A la hora anunciada, previo permiso de la H. Autoridad que  
presida y si el tiempo no lo impide se lidiarán a muerte  
a la usanza española

Hermosos y Bravos Toros de la Ganadería de

5 DON ROMEO PADRON 5

Que lucirán los colores de su divisa

Actuación especial de los famosos matadores de toros

*Luis Briones*

El de Seda y Oro

Mano a Mano con

El Sensacional

BENJAMIN

*López Esqueda*

Toreando un Novillo el Torero Norteamericano

*Roberto Buick*

Los Matadores saldrán acompañados de sus respectivas cuadrillas de Pica-  
dores y Banderilleros de la U. M. de P. B.

Cambiador de Suertes, Juez y Médico de Plaza: los que designe la H.  
Autoridad

PRECIOS DE ENTRADA:

Sombra Barrera 1a. Fila . . . . .	\$ 50.00
" " 2a. Fila . . . . .	40.00
" " 3a. Fila . . . . .	30.00
Sombra Gral. \$ 25.00	Sol Gral. \$ 15.00
Niños Media Paga	

NOTAS: Por ser ganadería de cartel no habrá toros de reserva  
Una vez muerto el primer toro si se suspende la corrida por  
causas de fuerza mayor no se devolverá el importe de las  
entradas y demás notas que rigen en esta plaza.

IGNACIO ZARAGOZA STADIUM  
CHETUMAL, Q. R.

Sunday September 15, 1963 - At 4 p. m.

*A GREAT BULLFIGHT*

*The Governor will honor us with his*

Special performance of the famous bullfighters

*LUIS BRIONES*

Graceful and Smooth

and

The Sensational

BENJAMIN

*LOPEZ ESQUEDA*

also the American bullfighter

*ROBERTO BUICK*

Fighting beautiful brave bulls from

5 Don Romeo Padrón 5

ADMISSION PRICES:

Reserved Seats	
1st Row . . . . .	\$ 50.00 (pesos)
2nd Row . . . . .	40.00 "
3rd. Row . . . . .	30.00 "
Shady Side \$ 25.00 (pesos)	Sunny Side \$ 15.00 (pesos)
Children half price	

VON KLEIST  
LETTER FROM: ROBERT CLAYTON BUIK

May 9, 1967

Dear Ric:

Received your letter dated May 4. My first impulse of course, was to answer it before any sudden move in environment takes place. Gladys and I are now on a day to day communicative thing with the United States Government as to the aforementioned subject. The move could come tomorrow, in a week or in a month. As to the change, we are at the whims and commands of Big Brother, with very little to say about the subject. We can only request; diplomatically yet. Of course, I am completely prepared for any possibility, whim and caprice of the mighty one.

As to my desires for the entering into the commercial field of excelling myself in print, this will undoubtedly have to be postponed for a short period of time. For Big Brother frowns upon the free and flowing thoughts of the incarcerated political prisoner. He possesses arms to combat physical rebellion. He possesses force to prevent the rising of unity among the free thinkers. But he does not possess neither of the two to contest and combat the vivid truth, and because of this lack, he would never allow one such as I to commence in spreading the gospel (my kind of gospel) to the sheep who unknowingly graze upon the synthetic pasture of wisdom. He is knowingly aware that I would indeed lead them into the righteous pasture of wisdom. Once there he would be constantly exposed to consistent explanation of which would not be to his particular liking.

Then again, perhaps, this is really not the proper or secure thing to do. Sheep have a tendency to panic when the wolfpack is openly revealed to them. I often wonder if they are ready for such an exposure. History is deceiving, and the deception of history has always led them to what has seemed to them, the brightest and greenest pasture. It would be like telling a child on Christmas Eve that Santa Claus is a rat-fink and that no toys shall appear come the dawn. I really do not think they are really ready or will be ready to face reality for some time to come. Shall we allow the pasteled color of fantasy to continue and eventually descend into complete and frightening robotic existence, or begin to build the barrier against it.

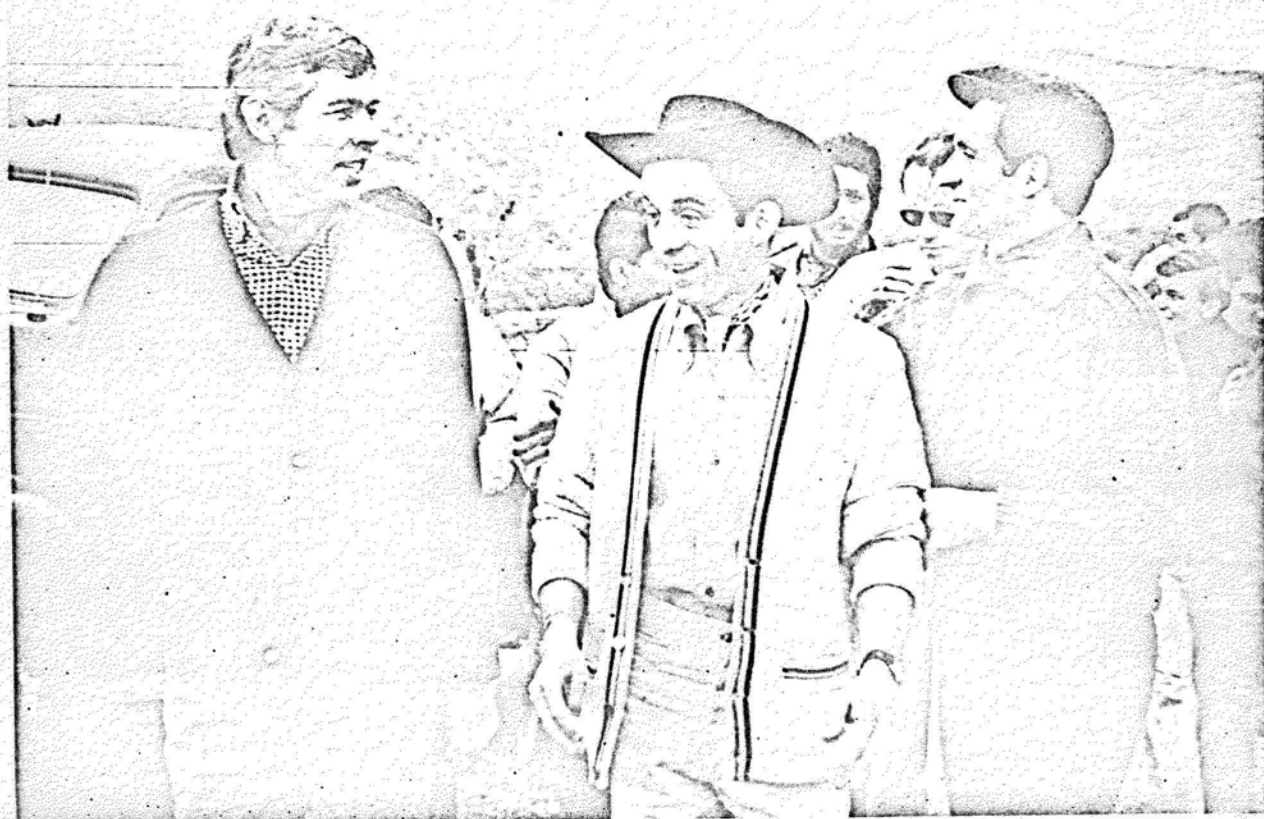
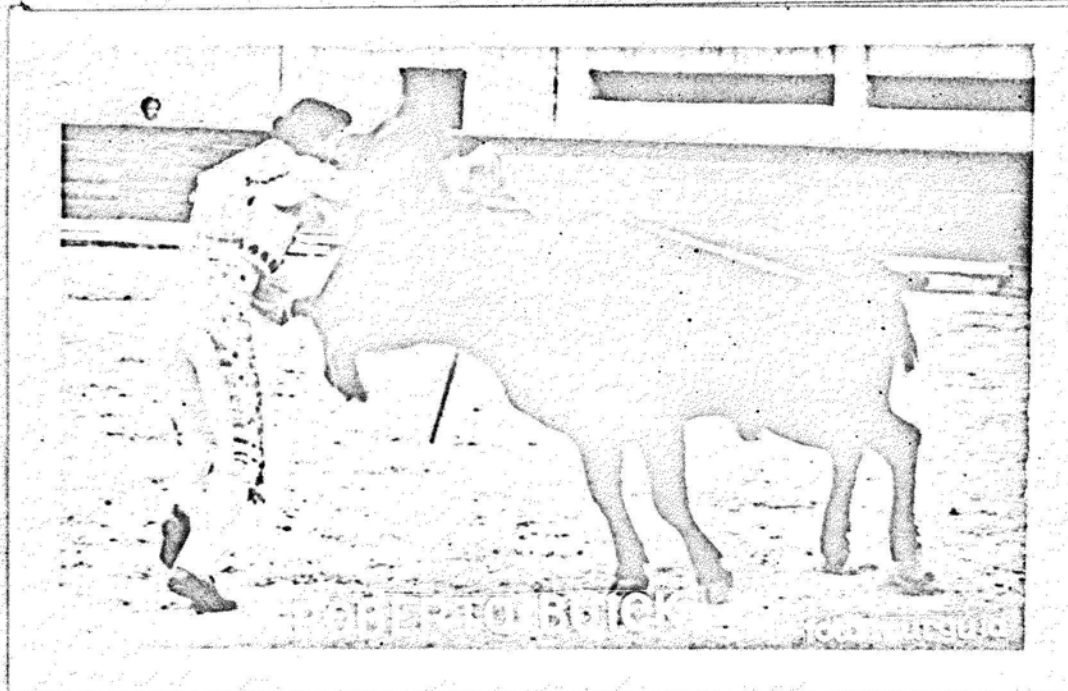
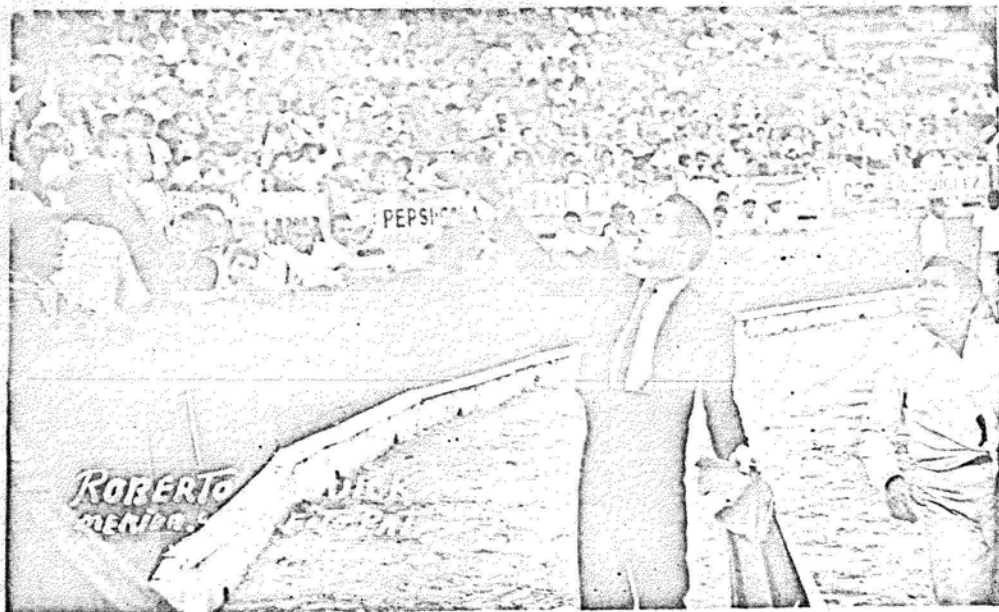
At times I think of myself as being selfish, but also I begin to question as to what side of me is selfish. Is it selfish to remain the rebel and the fugitive, or is it selfish not to allow them to captivate all in fear that if they control all existence, they shall also swallow and devour my individualism. This has always been a difficult and interesting analysis of the present status. It is somewhat like the gigantic icebergs in the north and south poles. If one is to melt and destroy them too rapidly, then in the desolvment, the excessive cubic feet of water shall undoubtedly rise and rush over the land. If the iceberg is permitted to remain, then too, it shall eventually begin to cover the land. What is the lesser of the two evils Ric? Hellava hypothesis isn't it?

I shall of course keep in touch, however, and wherever possible, for I feel that we not only have the great possibility of doing great things, but eventually will accomplish great things.

Later,

R.



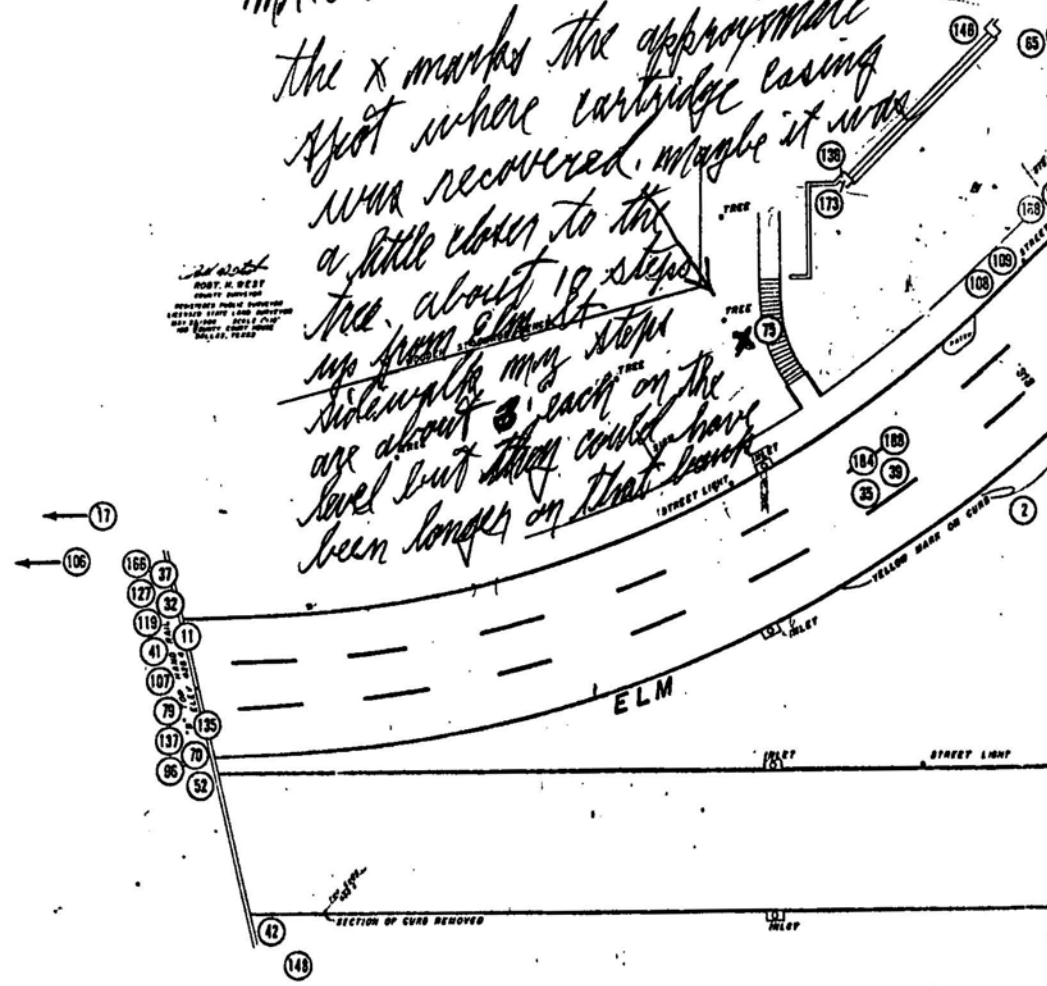


11-12-78

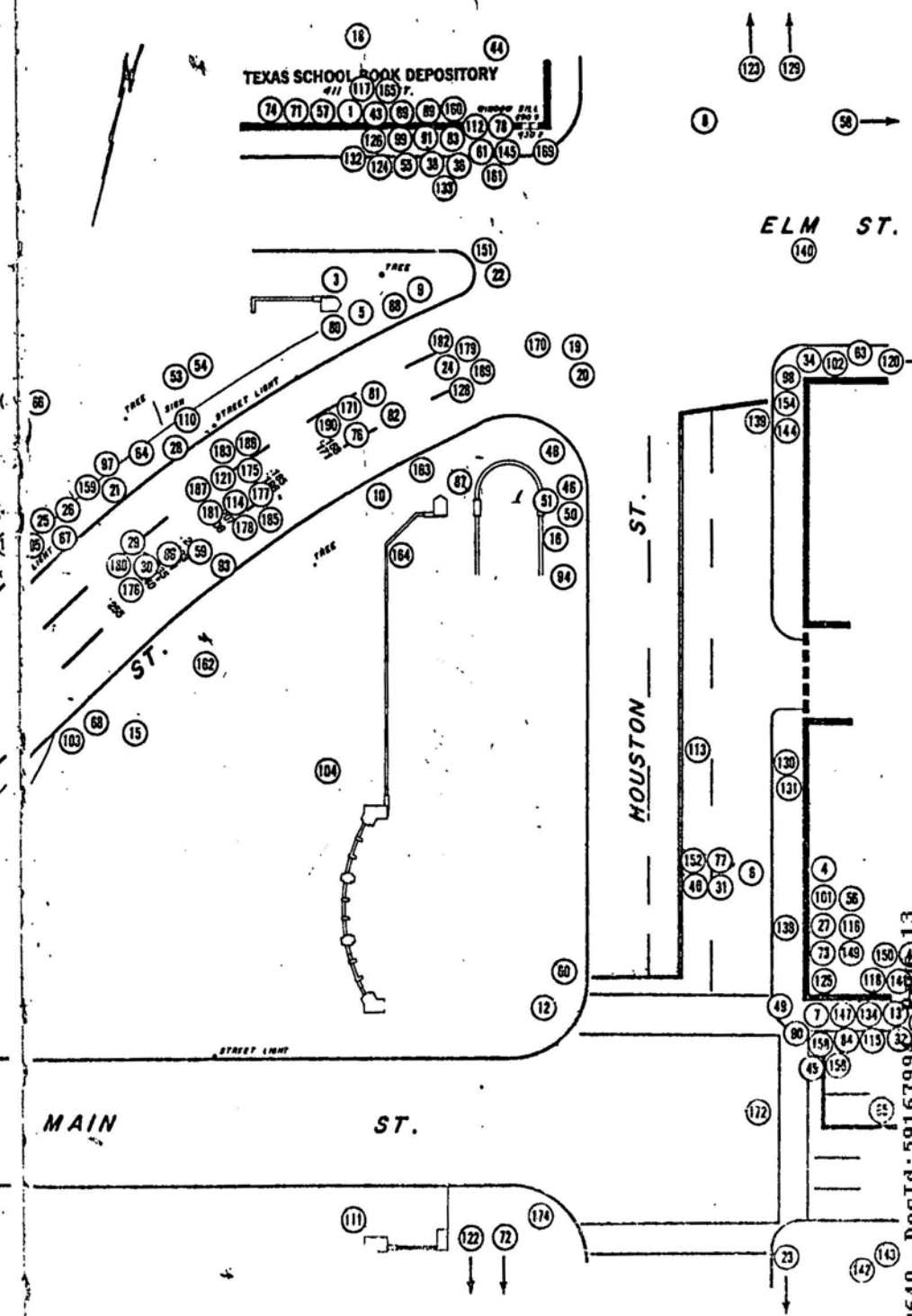
Mr. Harrison

the x marks the approximate spot where cartridge casing was recovered. maybe it was a little closer to the tree, about 10 steps up from Elm St. side walk my steps are about 3' each on the level but they could have been longer on that bank

Root, H. West  
PROPERTY PUBLIC SURVEY  
EAST SIDE LIGHT INTERSECTION  
N. 1/2 SEC. 10, T. 10 N., R. 10 E., S. 10 E.  
N. 1/2 SEC. 10, T. 10 N., R. 10 E., S. 10 E.



DEALEY PLAZA CHART: LOCATION OF WITNESSES



# A F F I D A V I T

STATE OF IOWA

COUNTY OF POLK

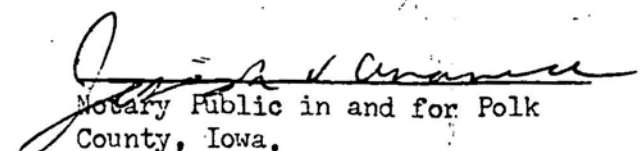
I, James O. Hemminger, after being duly sworn, on oath depose and say: I and my wife, Norma Hemminger, reside at 1500-44th street, Des Moines, Iowa, I am a 65 year old retired homebuilder. Norma, s and my favorite hobby is to hunt for lost coins, rings and relics with our metal detectors. Whenever we get a chance, we get in our motor home and just start driving and looking for a good place to use our detecting equipment. On the evening of november 12, 1978 we were in Dallas , Texas and we decided to hunt the Dealy Plaza grassy area from Elm street northward up the knoll to the board fence and the pergola (We had been to the area several times before, following the murder of president Kennedy, whom we both admired and because we were unable to accept or believe the lies and omissions of the Warren report). Anyway, on this particular night, we drove west past the book depository building and parked behind the fence just west of the pergola. After eating supper it was dark but we came to hunt so we took our detecting machines and flashlights and walked through the pergola to the steps that lead down to elm street. Norma started sweeping the area east of the steps with her detector and I began to hunt the lawn west of the steps. We covered the grassy area pretty thoroughly, finding several small coins and about a pocket full of small american flag lapel pins. It was about 9PM when we decided to quit for the night and return to the motor home. On the way up the hill, I was still swinging my detector when it sounded off near the top of the hill. It sounded too strong to be a coin, but I probed around in the grass and could not find anything and decided to leave whatever it was stay, but, Norma urged me to stay with it until I found it. I dug below those tangled roots only about an inch, and came up with a 30 caliber shell casing, it was well tarnished, indicating that it had been in the ground for some time. I started to toss it away but, (good old Norma), said "keep it, it may be important". Then I began to realize the probable significance of my find and made note of the exact location where I dug it. It was one long step west of the pergola walk and ten long steps down hill to the elm street sidewalk. I remember a tree being nearby-within two or three feet, it seems. I also remember that the corner of the board fence was not very far away. Remember, it was very dark that night. I looked down on elm street from where I was standing and visualized the position of the presidents limousine when he recieved the fatal front head shot and got a strong gut feeling that I was holding the casing from which the missile came. I felt sure I had proof that there was, at least, one other gunman involved. I was excited and wanted to tell someone. I tried to phone Penn Jones, whom we had visited with on our previous trips to Dallas but could not reach him. Norma and I came back to Des Moines and engraved the date 11-12-78 on the casing, indicating the date I found it, and put it in a jewelry box on my dresser. A few days later I was successful in reaching Penn by telephone, at his home. I told him of my find and that I did not know what to do with it. He said it was a very important piece of evidence and that he would give the information to the "right people", and have them get in touch with me. No one ever contacted me and I put the matter in the back of my mind, until one day last week, as I was getting something out of the jewelry box, the cartridge casing caught my eye. I decided right then that the American people should know about this new evidence hence, I am writing this affidavit and sending it and the casing, with our initials (Normas and mine), engraved on it, to Jim Garrison, knowing him to be a tireless investigator of the assassination and; with the belief that he will know how to make this new evidence known to the people.

  
James O. Hemminger

I, Norma F. Hemminger, have read the above affidavit and swear that it is true and factual.

  
Norma F. Hemminger

Subscribed and sworn to before this <sup>ME</sup> 28<sup>th</sup> day of October, 1985

  
Notary Public in and for Polk  
County, Iowa.



~~Let Howard~~  
R:  
HARRY  
TIDANLEY

~~To: [unclear]~~  
(Iron)  
file

M E M O R A N D U M

May 10, 1968

TO: JIM GARRISON, District Attorney

FROM: ANDREW J. SCIAMBRA, Assistant District Attorney

RE: JIM SERIO

Q:KT? → JIM SERIO informed me that SANDY KRASNOFF's wife, DOTTY, used to be employed by an automobile tire company. She said that OSWALD came into her company driving a pickup truck with HIDEELL's name written on the side of the truck. OSWALD bought four tires and charged them. Later on it was her job to try and collect the money for the tires. She said she called OSWALD on the phone two or three times and the last time she called him OSWALD told her that he was not responsible for the tires and that she could talk to his attorney who was with him at the time. A person got on the phone and talked to her and identified himself as DAVID FERRIE and said that he was OSWALD's attorney. FERRIE informed her that he knew the law and that OSWALD was not responsible for the tires and would not pay for them. They argued about this point and she later commented to FERRIE that he had the right name because he sounded like a fairy on the phone. She said there are records that should verify this and she said that on the day that DAVID FERRIE died a writer from Time magazine came to her house to inquire about this story. (LOU IVON has already checked into this.)

~~Let Howard~~  
R:  
HERRY  
THORNTON

MEMORANDUM

To: ~~Mr. [unclear]~~  
(Iron)  
file  
[signature]

May 10, 1968

TO: JIM GARRISON, District Attorney  
FROM: ANDREW J. SCIAMBRA, Assistant District Attorney  
RE: JIM SERIO

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~~Letford~~  
R:  
HERRY  
THORNTON

MEMORANDUM

To: ~~Clashen~~  
(Ivon)  
file

May 10, 1968

TO: JIM GARRISON, District Attorney

FROM: ANDREW J. SCIAMBRA, Assistant District Attorney

RE: JIM SERIO

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TO: MR. L. LOISEL

FROM: RICHARD E. AGUE

info given to R. Burns  
3/12/67

Re: SHAW (as "Bertrand")  
SHAW (as CIA)  
SHAW (general)

THE NEW YORK TIMES, FRIDAY, MARCH 3, 1967

## Clark Discounts a Shaw Conspiracy

By ROBERT B. SEMPLE Jr.  
Special to The New York Times

WASHINGTON, March 2—Acting Attorney General Ramsey Clark said today that, on the basis of inquiries by the Federal Bureau of Investigation, there appeared to be "no connection" between Clay L. Shaw and the assassination of President Kennedy.

Mr. Clark made the statement to newsmen in a corridor of a Senate office building moments after the Senate Judiciary Committee unanimously approved his nomination as Attorney General.

Mr. Shaw, a New Orleans businessman who is retired director of the International Trade Mart in New Orleans, was arrested yesterday in connection with the investigation of the Kennedy assassination being conducted by the New Orleans district attorney, Jim Garrison.

When Mr. Garrison announced the arrest, the first in his five-month investigation of the assassination, he said that Mr. Shaw would be charged with "participation in a conspiracy to murder John F. Kennedy."

### Reply From Clark

This morning, when asked whether he had any information regarding Mr. Shaw, Mr. Clark replied:

"He was involved in an F.B.I. investigation in the New Orleans area in November and December, 1963. We have the evidence that's there involved, and you can assume that their [the F.B.I.'s] conclusions were

from the Warren Commission Report."

The Warren Commission Report did not mention Mr. Shaw's name once in 29 volumes. Presumably, Mr. Clark meant to convey by his remark that the F.B.I. and the commission did not think the evidence gathered on Mr. Shaw worthy of inclusion.

### Says F.B.I. Checked Shaw

Asked directly whether there was any connection between Mr. Shaw and the assassination, Mr. Clark replied:

"On the evidence that the F.B.I. had, there was no connection found."

"He was checked out and found clear, more or less?" Mr. Clark was asked.

"Yes, that's right," he replied.

Mr. Clark's statement that the F.B.I. had conducted an investigation of Mr. Shaw caused, however, a certain amount of bewilderment in some quarters here.

There is no record either in the Warren Commission Report or in documents relating to the assassination in the National Archives of an F.B.I. investigation of a man named Clay L. Shaw.

### 'No Comment' From F.B.I.

Moreover, usually well-informed Government sources, who asked not to be identified, said that to the best of their knowledge the F.B.I. had not conducted an investigation of Clay L. Shaw. The F.B.I. itself maintained a complete official silence on the matter, and would

offer only a terse "no comment" to any inquiries regarding the Shaw case.

The discrepancy between these accounts and Mr. Clark's statements this morning, however, may be more apparent than real.

An examination of papers in the archives, for example, shows that the F.B.I. did inquire into the activities of a man named "Clay Bertrand." Mr. Garrison, says that "Clay Bertrand" was an alias used by Mr. Shaw. If this is so, and Clay Bertrand and Mr. Shaw are the same man, it is thought then that the bureau did indeed inquire into the activities of Mr. Shaw.

A Justice Department official said tonight that his agency was convinced that Mr. Bertrand and Mr. Shaw were the same man and that this was the basis for Mr. Clark's assertions this morning.

### Shaw Seen in San Francisco

SAN FRANCISCO, (UPI)—Clay Shaw, the man named by the New Orleans District Attorney Jim Garrison, as a conspirator to President Kennedy's assassination, was touring the San Francisco World Trade Center when the President was shot.

J. Monroe Sullivan, then executive director of the center, said today he was with Mr. Shaw when they learned of the assassination. Mr. Sullivan said he had arranged a special luncheon for Mr. Shaw on Nov. 22, 1963, the day the President died.

A. '63.

Q. The month?

A. November

Q. The date?

A. Saturday, right after the President got assassinated.

Q. Was Oswald living at this time?

A. I don't know whether he was or he wasn't. Yes, Saturday,  
he was living.

Q. Now, what was the nature of your being contacted by  
Bertrand at this time?

A. You are the only guy in all of them that ever asked me  
that. I'll elucidate - like in Enrico Caruso -

Q. You mean that you have never been asked why Clay Bertrand  
contacted you?

A. That's right. You're the first one who ever asked me.

Q. How about the Warren Committee?

A. No, they contacted it a different way - they got an  
answer out of me but they never got the whole thing.

Q. All right - would you tell us ...

A. A voice that I identify as Clay Bertrand called me at the  
hospital and asked me if I would represent Lee Oswald in  
Dallas - nobody ever asked me about a fee or anything else -  
he said I would get real famous and he would get in  
touch with Lee Oswald so that I could represent him.



That's the part nobody ever asked me. As soon as I said I heard the voice of Clay Bertrand - blump - they all cut off. You're the first one who ever asked me for the whole bit.

Q. Now, what did you tell this subject?

A. I told him I was in the hospital and couldn't go.

Q. Now you stated that you recognized the voice as Clay Bertrand. Did you tell anyone Clay Bertrand had called you?

A. Yes.

Q. Who was the first person you told? If you can recall.

A. Let's see - called my secretary, right after that, told her we were going to Dallas to defend Oswald and she wanted to quit - I don't remember - no, she didn't want to quit I remember now - Sgt. Davis, my office man, he came in to visit with me I told him, I think I called Monk on Sunday - told Monk could he go cover for me in Dallas ...

Q. Now did you tell ...

A. Now, wait a minute, I'm running it down - I never told Monk Clay Bertrand called me.

Q. You never told Monk?

A. The first one I spoke to, I think, and told them that was John Rice's Secret Service on Monday, Regis Kennedy of the FBI on Monday.

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Q. You never told Monk?

A. The first one I spoke to, I think, and told them that was John Rice's Secret Service on Monday, Regis Kennedy of the FBI on Monday.

A. Now no. Refreshing my memory I'd take a shot and say they were blue - any other way I would have to tell you flat, straight no.

Q. If you were to have a physical description in your mind of Clay Bertrand regard to height and general build and if you were to put a physical description of Clay Shaw, whom I believe you have seen on TV, is that correct?

A. Yes.

Q. Is there anything grossly disproportionate about the general description in regard to height of the two men?

A. He is taller.

Q. Who is taller?

A. Clay Shaw.

Q. How much?

A. I don't know.

Q. Well, can't you give an approximation?

A. An approximation. How tall is Clay Shaw? I don't know how tall Clay Shaw is.

Q. You must have some idea about how much taller he would be than Clay Shaw?

A. I see him on TV - he is a tall cat - I don't believe the person I know as Clay Bertrand is as tall as him. I don't know. I can't say yes, and I can't say no.

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As God is my judge. I have to go back to the same thing I am telling you - I go to a fag wedding reception - he is standing up and he is well dressed - I don't measure the guy then, I don't measure him now. I don't even think about the guy. Just like you go to any wedding reception, you mingle, you drink, you talk. I had no occasion to - to have this guy impress me.

Q. Mr. Andrews, you stated that Clay Shaw is taller.

A. Well, I am assuming that, I don't know. I see him tower over people when they put the TV camera on him so I figure he is a tall cat.

Q. About how much taller would you say he is?

A. The general build is the same - You are asking me for height - I can't tell you

Q. Well you can tell me whether its closer to one inch or closer to 8 inches, can't you?

A. How can I tell you that.

Q. Well is he closer to 4 inches? Is he as much as a foot taller?

A. No.

Q. Is he as much as half a foot taller?

A. You see, man, you are like all them people, you push and push for something - that's how I got two descriptions in here before. I don't know. I really, honestly don't know. All I know is Clay Bertrand, the one I know,

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has a voice I know as an individual - now this was '64, 7 years later when I go look for the guy that jumped up and ran out of the place - is sitting down and I told them 5'8 - I get in all kinds of inconsistencies, I can't give you what you want in relationship to height except the man is in my opinion that I know as Clay Bertrand is 6'1, 6'2, in that area, I could be 2 inches short, I could be 2 inches different, I was guessing, I was guessing then and I am guessing now.

Q. Do you know Dave Ferrie?

Yes. I know Dave Ferrier.

Q. What were the circumstances of knowing Dave Ferrie?

A. '54 to '59 I represented Carlos Marcello in his immigration matter and I left his employ in November, October of '63 - they shipped him off to Guatemala and he came back from Guatemala and the Government had him on trial for something. Dave Ferrier - I met, I think, with Wray Gill and Carlos and they were asking me points in the facets of the Marcello v. U. S. that I handled in his deportation proceeding.

Q. Have you ever had occasion to do any work for Dave Ferrie?

A. No. *(Untrue. See follow up re Andrew Spade of Tommy Clark for Ferrie)*

Q. You never represented him on anything?

A. No.

Q. Has he ever called you in behalf of a client?

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Q. You never represented him on anything?

A. No.

Q. Has he ever called you in behalf of a client?

A. No. Wouldn't use him if he did, he ain't the best source in town, you know.

Q. Has he ever requested you to do anything for a subject that might have been arrested?

A. No. No. The only thing I recall doing was recently, I don't know how far back, but he had an expired brake tag ticket - and I used to run a traffic court, but I have been suspended I don't run it no more - think I nolle prosecuted the expired brake tag, the reason was the windshield was broken, they put a new windshield on it, something like that, anyway I recall nolle prosecuting the expired brake tag - the car was not his, he had borrowed it from somebody else.

Q. That was for Dave Ferrie and you dismissed the case?

A. Right. Declined to prosecute him.

Q. Did you have occasion to parole anyone for him?

A. No.

Q. Do you know what parole power is?

A. You got to be joking. You ask me an intelligent question and I give you an intelligent answer. Sure I know what it is.

Q. Will you tell the gentlemen what parole power is?

A. In Jefferson Parish Assistant District Attorneys prior to Jan. 1, 1967, were authorized to parole for purposes of making bond persons arrested and incarcerated in jail.



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Q. You never paroled anyone for David Ferrie?

A. Not to my knowledge.

Q. Do you know a Tommy Clark?

A. No. Don't recall ever meeting anybody by that name.

Q. Thomas Clark?

A. No, can't recall. No present recollection.

Q. You did not parole a Thomas Clark, or Tommy Clark for Dave Ferrie?

A. I would have to look at the books, man. You parole - been 2½ years - it must have been - I must have paroled thousands of people - if I did, I did - if I didn't, I didn't - I don't recall - I have no present memory of paroling anybody for Dave Ferrier. The books down at the East Bank or West Bank would show who I paroled for, I would have to go check them. You all probably checked them already, asking me that question, I probably did, I have no present memory of it.

Q. But you stated while ago that you did not?

A. Well, I stated while ago I did not - what difference, what difference does it make whether I did or not.

Q. Now my question was had you ever performed any services for Dave Ferrie and you were emphatic in that you had not.

A. No, I am interpreting your question services for Dave Ferrier - legal services, not parole services. Anybody that picks up a phone is entitled to parole I parole them

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You recall of course that in our interview . . .

A. Well, I didn't do it. I shut my eyes like Mumu said and I listened to TV now I understand that there is a difference in decibels and tones in a voice - you want me to I break my code and I go in and listen to the guy. I ain't never did that in my life why should I do it now?

Q. You didn't agree to do it in our office?

A. Ah, what difference does it make, man, you all want me to say something and I can't say it.

Q. What do you mean you can't say it?

A. I get the impression you all want me to identify Clay Shaw as Clay Bertrand - I'll be honest with you that is the impression I get -

Q. Well?

A. And I can't. I can't say he is and I can't say he aint.

Q. You can't say he is and you can't say he aint?

A. Right.

Q. And that is what you told us in our office?

A. Right and that is what I am telling you now. I cannot say positively, under oath, that he is Clay Bertrand or he is not. Even with me listening to the guy's voice on the phone, the voice I recall is somewhat similar to this cat's voice, but his voice has overtones just like Mumu

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Q. Mr. Andrews, did you mention Clay Bertrand's name to anybody at any time prior to the assassination of President Kennedy? To the secretary, investigator, or anybody?

A. Had no occasion to.

Q. Did you have an investigator at this time?

A. Yes.

Q. Did you indicate on any office file the name of Clay Bertrand and that he would be good for the fee?

A. I don't waste paper on people - paper cost money -

Q. You mean you kept no records of these clients?

A. I had what you call a running deal - Clay Bertrand wouldn't appear on it in any way. Let's say that X was one of the 3 people came in - take my little notes put them down - that's it. I don't waste 17¢ opening it a file on them people - put/in the running file.

Q. You didn't mention Clay Bertrand's name to anyone during the time you knew him prior to the assassination

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Q. You didn't mention Clay Bertrand's name to anyone during the time you knew him prior to the assassination

I make some notes and put it in there. When other people are going to be represented by the office we open up a working file.

✓ Q. Was Prentiss Davis in your office the same day you received a call?

A. I think he came in shortly after, probably while I received the call, right around that time.

Q. Did you mention Clay Bertrand to him at that time?

A. All I told him we were going to Dallas to defend Oswald.

Q. You didn't tell him it was Clay Bertrand?

A.M. Man, I'm the boss - I don't tell my flunkys all my business. I pay 'em and they do what I tell them to do or they hit the road. I have no confidant with all my people. I run my office, the tail don't wag the dog.

Q. I'm not asking you why, I am merely asking you ...

A. The answer is no. To the best of my knowledge I don't recall telling him Clay Bertrand called me all I recall telling him was that we were going to Dallas and defend Oswald.

Q. Did you call your secretary and ask for a file?

A. I said so one place, Eva tells me no, all I told her was we were going to Dallas to defend Oswald. But I did call her.

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country style. Money don't move me, if I like the case and I like what's in the office, I do the work. If I get paid, if I don't get paid, that's all right too.

Q. You were willing to go to Dallas - and in that case that wasn't a little expense, that would have been a big expense...

A. Man, I would have made nothing but money on that case. I could have wrote 4 or 5 books ...

Q. You were going on the basis of a phone call that he would guarantee the fee.

A. A telephone call never guaranteed a fee, that's an assumption on somebody's part. I never said that.

Q. You said this man called you and wanted you to represent Oswald?

A. Yes, but he never said anything about guaranteeing a fee.

Q. You mean you would go ...

A. On a case like that - you better believe it - I would go for nothing - I would become famous.

Q. BY MR. BURNES:

Mr. Andrews, didn't you tell us in our office that he said don't worry about a fee?



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A. I don't recall, Dick. You people got me at a disadvantage. You don't know how I work in my office. You don't know how I handle my books and if you ask anybody in town I'm the easiest mark in the world - if you need help I go help. I can bring you a thousands and thousands of people - I got a case going to the Supreme Court now, out of my pocket - I been handling it 2½ years out of my pocket. There's more action for churches I been handling than Carter's got pills - I need money like anybody else, its just the way my particular office runs. These people pay - they usually do.

Q. Mr. Andrews, you made a reference somewhere - perhaps in the Warren Report - that at that time this man owed you money and at that time you seemed to think money was important.

is

A. No, that/the conclusion you draw.

Q. That is not a conclusion - that is what you said.

A. Well, where is it at in there? I don't think I said it exactly.

Q. You said if you ever found him you would hit him with a chain.

A. Sure, I like to collect my money. If Mr. Labiche would look in his file I owed him \$17.00 when it was Labiche &

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I told the boy I would have to have a serial number, and the place where he got his discharge, three or four other things - I am positive I made some notes - went through there and normally I have about this much garbage in the file, had 2 pieces of paper, that's all, everything else was gone. I had asked Eva about it and she said well you stupid idiot, you got a desk that if you straighten it out I can't find nothing, but if you leave it, you know, piled up I can reach right in and pull the paper up. But if she straightens my desk out I'm in trouble.

Q. Mr. Andrews, I understood you to say earlier that you would like to find Clay Bertrand?

A. Well, I think everybody would like to find him - the emphasis placed on him he apparently has some connection with .. that I don't associate at all with this case.

Q. If you would like to find him, how would you know it was Clay Bertrand when you found him?

A. Well, you've got me - I couldn't say yes, I couldn't - I'd have to go on instinct.

Q. Yet, when you went looking for Clay Bertrand in the bar, and this man jumped up and ran out, you said that this was Clay Bertrand?

A. No, I said a man who I thought was Clay Bertrand, who appeared to be Clay Bertrand - I forget the word choice that I used - got up and ran, stepped out the side door

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and left the scene.

Q. So you mean to say that if you walked into Clay Bertrand right now you wouldn't know him?

A. Instinct only. I'd really be as baffled as I am now.  
He is like the Holy Grail to me, you know you can see it and you can never get it. The picture I get from looking at you - I guess in 3 or 4 days I could describe you - its that kind of problem. The interest and emphasis placed on Clay Bertrand I have never associated with the man. In other words, the emphasis placed today and at the time I met this man the first time I saw him, the second time I saw him, and the transactions I have had with him - I never placed any particular emphasis on him.

Q. When you told the Warren Commission there were 3 people you wanted to find and he was one of them, did you think at that time that if you found him you could have recognized him at that time?

A. I would have to say you are right, I would doubt if I could, but I would have tried. Because it was my impression from Regis that they felt that this man played an important part in its value or perspective in the overall investigation of Oswald, but he never guaranteed

and left the scene.

Q. So you mean to say that if you walked into Clay Bertrand right now you wouldn't know him?

A. Instinct only. I'd really be as baffled as I am now.'  
He is like the Holy Grail to me, you know you can see it and you can never get it. The picture I get from looking at you - I guess in 3 or 4 days I could describe you - its that kind of problem. The interest and emphasis placed on Clay Bertrand I have never associated with the man. In other words, the emphasis placed today and at the time I met this man the first time I saw him, the second time I saw him, and the transactions I have had with him - I never placed any particular emphasis on him.

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{ nothing for Oswald. Nobody ever asked me that -  
he had nothing to do with Oswald as far as I know.

Q. Did Clay Bertrand, the voice on the phone, guarantee payment for anyone after the time of the assassination?

A. I ain't never seen nor heard from him since.

Q. Have any of the fags who came to you for whom he guaranteed payment to you, come to you since that time?

A. Never thought of that, never thought of that. I would say since I have been in the D.A.'s Office negative cause I can't practice criminal law - I would remember because I would have to tell them no. And between '63 and '64 I doubt, they could have, but I doubt it.

Q. If one of them had you probably would have asked where where could I find Clay Bertrand?

A. I wouldn't know because I didn't pay any particular attention to these people - if they can make their financial arrangements I don't worry about them. You propounded a good question - I have never thought of that. I'll go back and try to do some skull work on it - I never thought of that - that is a very good question. Nobody thought to ask me that. That's the best I have heard.

Q. Mr. Andrews, could you describe the color of my hair and my eyes, and my weight?

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Q. Mr. Andrews, could you describe the color of my hair and my eyes, and my weight?

A. If I told you, I'd say you got green hair and green eyes. And a ruddy face.

Q. What color is the neck tie?

A. I would say orange, I ain't too sure. Real dark orange and got black spots in it.

V Q. Would you state positively that Clay Shaw and Clay Bertrand, having Clay Shaw recently, were not the same people?

A. I could not do it - my personal opinion if you are interested in I'll give it to you.

Q. All right, we are interested in your personal opinion?

A. I can't connect the two - I can't say he is and I can't say he ain't - there is no way in my mind that I can connect the two - but if you ask me under oath I can't give you my personal opinion - I just have to say there is no way in the world I can connect the two. The only difference - I would have to go along with Dick and Muma - cause I found out there is a difference - you know on the phone - there is a 10 second delay at a frequency or something in the transmission of the voices.

MR. BURNES:

There is a difference in TV and the telephone.

Q. How you all found out I'll never know, but I asked a friend of mine, who handles phoenetics, at Southern Bell and he says there is a very strong possibility there could

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# DISTRICT ATTORNEY

PARISH OF ORLEANS

STATE OF LOUISIANA

2700 TULANE AVENUE

NEW ORLEANS 70119



JIM GARRISON  
DISTRICT ATTORNEY

August 31, 1967

Mr. Edward Girus  
No. 90428  
United States Penitentiary  
Atlanta, Georgia

Dear Mr. Girus:

This office is writing you in regard to confidential information that was received which revealed that you may be in possession of certain facts concerning the investigation being conducted by this office into the conspiracy to assassinate the late President John F. Kennedy.

Since we are not in receipt of any voluntary information from you, we are soliciting your cooperation in this matter mainly to determine if this confidential information is true and correct and, if so, to gain your complete confidence in assisting this office.

The main points of this confidential information stated that you have knowledge about Clay Shaw as Clay Bertrand and also Lambert. It further relates to a Sanchez Diaz.

We feel that if these facts are true, you could greatly assist this office. Your prompt reply in this matter will be appreciated.

If you are able to make a long distance phone call, we may be able to clear up the matter much faster. If so, call Area Code 504 - 822-0584 collect.

Very truly yours,

C. J. NAVARRE  
Investigator  
District Attorney's Office

CJN/bb

Box P.M.B. 90428  
Sept. 7, 1967

C. J. Navarre.  
2700 Tulane Ave.  
N. O. L. A. 70119



Re: SHAW  
Re: SHAW (or "BERTRAM")

Dear Sir:

Your letter arrived yesterday, however I could not telephone you as they do not allow it here.

I don't know what information you possess or how you acquired it, but I can say this: yes I knew both of them under various nom de plumes and at various places such as Hammond, Lake Charles, Oak Cliff and Mexico, however I do not care to discuss it thru the mails. If you should be in Atlanta in the future and would come out here I would talk to you.

I remain,

Sincerely

Edward J. Livius 90428  
Box P.M.B.  
Atlanta, Ga. 30315

### WRONGFUL INJURY ACTION

<u>ACT</u>	<u>BY WHOM BROUGHT</u>	<u>BENEFICIARIES</u>
FELA	Personal representative (45 USC §59)	Permits survival of the decedent's wrongful injury action for the benefit of the surviving widow and children, parents and next of kin dependent on the decedent. (45 USC §59)
Jones Act	Incorporates provisions of FELA by reference (46 USC §688)	Incorporates provision of FELA by reference. (46 USC §688)
LHWCA		Creates a "death benefit" in favor of surviving widow, child and dependent grandchildren, brothers, sisters, and other persons who satisfy the definition of the term dependent as defined in 26 USC §152. (33 USC §909)

### WRONGFUL DEATH ACTION

FELA	Personal representative (45 USC §51)	Creates an action for wrongful death for the benefit of the surviving widow and children, parents, and next of kin dependent on the employee. (45 USC §51)
Jones Act	Incorporates provisions of FELA by reference (46 USC §688)	Incorporates provisions of FELA by reference. (46 USC §688)
DOHSA	Personal representative (46 USC §761)	Creates an action for wrongful death for the benefit of the decedent's wife, husband, parent, child, or dependent relative. (46 USC §761)
LHWCA		Creates a "death benefit" in favor of surviving widow, child, and dependent grandchildren, brothers, sisters, and other persons who satisfy the definition of the term dependent as defined in 26 USC §152. (33 USC §909)

### APPENDIX A

No. 73-1349 - 1350

**UNITED STATES COURT OF APPEALS**  
FOR THE SIXTH CIRCUIT

In the matter of the complaint of  
Cambria Steamship Co., a corpo-  
ration, as owner and Bethlehem  
Steel Corporation as demise Char-  
terer in possession and operator of  
the Steamer Daniel J. Morrell, her  
engines, etc., for exoneration from  
or limitation of liability.

Claim of FREDERICK W. RISCHMILLER,  
Administrator of the Estate of  
Henry Rischmiller,

*Appellant,*

v.

DOROTHY M. DAHL, Widow, Admin-  
istratrix of the Estate of George M.  
Dahl, deceased,

*Appellee 73-1349*

Claim of CHESTER E. GORDON, Admin-  
istrator of the Estate of Arthur I.  
Crawley, deceased,

*Appellant,*

v.

DOROTHY M. DAHL, Widow, Admin-  
istratrix of the Estate of George  
M. Dahl, deceased,

*Appellee 73-1350*

Decided and Filed October 30, 1974.

APPENDIX B



2 *In the Matter of Cambria Steamship Co.* Nos. 73-1349-50

Before: WEICK, LIVELY and ENGEL, Circuit Judges.

ENGEL, Circuit Judge.

In *Moragne v. States Marine Lines*, 398 U.S. 375 (1970), the Supreme Court overruled *The Harrisburg*, 119 U.S. 199 (1886) to create for the first time a non-statutory cause of action for wrongful death based upon unseaworthiness.<sup>1</sup> *Moragne* deliberately left the shaping of the new action to "further sifting through the lower courts in future litigation." 398 U.S. at 408. Specifically, the Court in *Moragne* left unanswered the question of who were to be the beneficiaries of the newly created maritime right and what elements of damages were to be recoverable, but suggested that the court would not be without "persuasive analogy" in the general maritime law as well as state and federal wrongful death acts, as they endeavored to resolve the "subsidiary issues" left open by *Moragne*. We consider two of those issues in these consolidated appeals.

In the appeal of Rischmiller, we consider whether an adult and non-dependent brother, as sole surviving next of kin, can maintain a *Moragne* action to recover damages for his loss of prospective inheritance.

In the appeal of Crawley's Estate, as represented by appellant Gordon, administrator of that estate, we consider

---

<sup>1</sup> *The Harrisburg*, 119 U.S. 199 (1886), held that the common law of admiralty, recognized no cause of action for wrongful death. The court in *Moragne* recognized that the doctrine applied in *The Harrisburg* was based upon an antiquated English doctrine of felony merger, which the court found to be no longer viable in this century. According to the felony merger doctrine, the common law did not allow civil recovery for an act that constituted both a tort and a felony. Since all intentional or negligent homicide was felonious, and conviction brought forfeiture of the felon's estate, there could be no civil suit for wrongful death. See *Moragne v. States Marine Lines*, 398 U.S. 375, at 382. In creating the new cause of action, the Supreme Court recognized that wrongful death statutes had been enacted in every state in the union, and that such a remedy was provided by several federal statutes. For an excellent discussion of the development of wrongful death remedies in this country and in England, see *Moragne, supra*, at 381-388.

whether the wrongful death action created by *Moragne* should be an action for "loss to the estate" of the deceased, measured by the amount the deceased would have accumulated out of his earnings during the period by which his life expectancy was shortened, and recoverable irrespective of whether the decedent is survived by next of kin or other beneficiaries.

The district court below disallowed both Gordon's and Rischmiller's claims. *In re Cambria Steamship Company*, 353 F. Supp. 691 (1973). We affirm.

On November 29, 1966, the S.S. Daniel J. Morrell, a Great Lakes bulk cargo carrier, broke in two and sank in Lake Huron within the coastal waters of the State of Michigan. Among the twenty-eight men who perished in the disaster were Arthur I. Crawley, Captain of the Morrell, and Henry Rischmiller, a crew member.

Following the loss, the owners of the ship brought an action for exoneration or limitation of liability in the United States District Court for the Northern District of Ohio. After notice, interested claimants filed answers to the complaint alleging that the ship was unseaworthy and also filed individual claims for recovery. The case was eventually settled as to liability and the vessel owners paid into the registry of the court the agreed sum of \$2,750,000, out of which all claims were to be paid. Among the claimants were appellant Frederick I. Rischmiller who made claim for the wrongful death of his brother Henry, and appellant Chester E. Gordon, who, as administrator of the estate of the deceased Captain Crawley, filed a claim on behalf of the latter's estate.

To determine the validity and amount of the several claims, the district court appointed two special masters who thereafter reported their findings to the court, which entered final judgment on February 3, 1973. The judgment included determinations that neither the brother of Rischmiller, nor the administrator of Captain Crawley's estate was entitled to recover



4 *In the Matter of Cambria Steamship Co.* Nos. 73-1349-50

damages representing loss of prospective inheritance, or loss to the estate itself.<sup>2</sup>

Henry Rischmiller was a wheelsman aboard the *Morrell*. At the time of his death he was 34 years old, unmarried, and earned over \$7,000 per year. He left surviving him only his brother Frederick who was admittedly self-supporting and independent. Frederick filed his claim in the district court action for loss of inheritance caused by the untimely death of his brother. The masters found that it was likely that Henry would have continued working until age 65 at the latest, and would have accumulated substantial savings in the meantime. They further found that Frederick Rischmiller would probably have survived Henry and been his sole heir, and that the present value of the additions to Henry's estate which would ultimately have been inherited by Frederick but for the wrongful death was \$48,667.67. The Rischmiller claim was therefore put at that sum, but was disallowed by the masters and the trial judge because Frederick was a non-dependent collateral relative.

Arthur I. Crawley was Captain of the *Morrell*. No claim was established that his conduct in any way contributed to the unseaworthiness or loss of the vessel. Forty-seven years of age at the time of his death, Crawley had never married and he was survived by two brothers and four sisters, all of whom were older than he. One brother died after Crawley's death, leaving children, but none of the brothers or sisters, or their children, were in any way dependent upon Arthur. Captain Crawley's income far exceeded his expenses and, in the ten years prior to his death, his savings had averaged 34.9 per cent of his income. Appellant Chester E. Gordon was appointed administrator of Captain Crawley's intestate estate and made claim in the district court on the theory of a "loss

<sup>2</sup> Claims were assessed and allowed, however, to all claimants, representing damages for pain and suffering of the decedent, in the amount of \$7,500. Since the total of all claims allowed exceeded the fund, this amount, as well as others, was reduced proportionately.

of estate" due to the wrongful death. The special masters computed such loss, as reduced to present value, at \$239,189.59. This last sum, however, they disallowed for the reasons stated in disallowance of the Rischmiller claim, and because Captain Crawley, as the youngest in his family, would probably have outlived his brothers and sisters, making the likelihood that they or the children would, in fact, have inherited his estate even more speculative.

While the two appeals proceed upon somewhat different theories, the ultimate recipients of any damages in both would be non-dependent collateral relatives, and the amount recovered would be measured by a reduction to present value of the amount of any accumulation of earnings which would have been added to decedent's estate had he lived out his normal life expectancy.<sup>3</sup>

Appellant Rischmiller urges us to apply the state law of Michigan<sup>4</sup> because the Morrell sank in its waters. Appellees

<sup>3</sup> In SPEISER, RECOVERY FOR WRONGFUL DEATH (1966), at 182, the difference between these two theories is described:

The difference between recovery by decedent's next of kin for loss of inheritance under the loss to survivors type death statute, and recovery for loss of inheritance under statutes which measure damages by loss to the estate, was described as follows by McCormick: "This [element of damage] is closely reminiscent of the 'loss to the estate' basis of recovery, but is different in that the claim here is founded not only on the probability of accumulation by the deceased, but is also conditioned on the probability that he would have left it, by will or inheritance, to the statutory beneficiaries."

We note that we are not asked to determine here who is the proper party to bring a wrongful death action under the general maritime law. But see *Futch v. Midland Enterprises, Inc.*, 471 F. 2d 1195 (5th Cir. 1973), where it was held that the action must be brought by the personal representative of the decedent.

<sup>4</sup> M.C.L.A. § 600.2922. We doubt in any event that application of Michigan law would have resulted in recovery for these appellants. While non-dependents have been permitted to recover for loss of society in Michigan, *Smith v. City of Detroit*, 388 Mich. 637, 202 N.W. 2d 300 (1972), indicating that dependency may not be an absolute requirement, the Michigan Supreme Court has also held that the loss of prospective inheritance is not a proper element of damages under the Michigan Act. *Baker v. Slack*, 319 Mich. 703, 30 N.W. 2d 403 (1948). We need not consider whether *Baker v. Slack* would

6 *In the Matter of Cambria Steamship Co.* Nos. 73-1349-50

urge that we simply borrow the schedule of beneficiaries from the Death on the High Seas Act.<sup>5</sup> We reject both approaches. The decisions following *Moragne*, while following the mandate of that case to seek guidance from state and federal statutes, have endeavored generally to develop a uniform body of federal law, neither borrowing automatically from federal statutory provisions, nor applying any particular state law,<sup>6</sup>

In *Sea-Land Services v. Gaudet*, 414 U.S. 573 (1974), the Supreme Court more specifically defined the nature of the action created by *Moragne*. It first addressed itself to the question of whether a *Moragne* action could be maintained by a widow, although her husband before his death had already recovered damages for his injuries sustained aboard petitioner's vessel. While recognizing that "a majority of the courts interpreting state and federal wrongful-death statutes have held that an action for wrongful death is barred by the decedent's recovery for injuries during his lifetime", 414 U.S. at 579, Mr. Justice Brennan, speaking for a majority of the Supreme Court, ruled that *Moragne* created a wholly new uniform and non-statutory federal cause of action for maritime

be applied in Michigan today were the question to arise since we conclude that neither the law of Michigan nor that of any state is controlling.

<sup>5</sup> 46 U.S.C. § 761, which provides:

Whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas beyond a marine league from the shores of any State, or the District of Columbia, or the Territories or dependencies of the United States, the personal representative of the decedent may maintain a suit for damages in the district courts of the United States, in admiralty, for the exclusive benefit of the decedent's wife, husband, parent, child or dependent relative against the vessel, person, or corporation, which would have been liable if death had not ensued.

<sup>6</sup> See, e.g., *Spiller v. Lowe & Associates*, 466 F. 2d 903 (8th Cir. 1972) [step-child a proper beneficiary under wrongful death action]; *Greene v. Vantage Steamship Corp.*, 466 F. 2d 159 (4th Cir. 1972) [funeral expenses and pain and suffering of deceased recoverable]; *Futch v. Midland Enterprises, Inc.*, 471 F. 2d 1195 (5th Cir. 1973) [personal representative is proper plaintiff in action for wrongful death]; *Petition of M/V Elaine Jones*, 480 F. 2d 11 (5th Cir. 1973) [damages for grief not recoverable].

death. Seeking guidance from existing federal and state statutory law, but conceiving itself bound by neither, the Supreme Court ruled that the cause of action thus created was independent of and in addition to any action which the decedent may have had for his personal injuries, and was thus not barred by the pre-death recovery of the decedent.

A majority of the Court in *Gaudet, supra*, also held that the new cause of action permitted recovery by the dependents of the deceased for loss of support, services and society as well as damages for funeral expenses, but not for grief. In permitting damages for loss of society, the Court provided relief that is generally not available under the Death on the High Seas Act.<sup>7</sup> While noting that a majority of the states recognize loss of society,<sup>8</sup> the Court ultimately based its ruling on the character of the maritime law itself.

"But in any event, our decision is compelled if we are to shape the remedy to comport with the humanitarian policy of the maritime law to show 'special solicitude' for those who are injured within its jurisdiction." 414 U.S. at 588

In our approach to the issues in this case, we believe we should be guided by those general principles which are set forth in *Sea-Land Services v. Gaudet, supra*, as defining the nature of the action and remedy created by *Moragne*.

#### LOSS TO ESTATE

Recognizing the unique opportunity which rests in the courts to fashion new rights and remedies under *Moragne*, counsel for Captain Crawley's estate urges that we adopt a rule obtaining by statute in a minority of the states which

<sup>7</sup> It has generally been held that recovery for loss of companionship and society is not permitted under the Death on the High Seas Act. *First National Bank in Greenwich v. National Airlines, Inc.*, 288 F. 2d 621 (2nd Cir. 1961).

<sup>8</sup> *Sea-Land Services v. Gaudet*, 414 U.S. 573, 587, and note 21.

8 *In the Matter of Cambria Steamship Co.* Nos. 73-1349-50

provides a right of recovery for loss of the estate itself, apart from whether there exist any surviving next of kin.<sup>9</sup>

The fundamental difference between loss to survivor statutes and loss to estate statutes is that:

"Whereas most loss to survivors statutes will permit either no recovery at all or only a small measure of nominal damages, or special damages such as medical or funeral expenses, in cases where decedent is not survived by any statutory beneficiary, most loss to the estate statutes permit the action to be maintained and allow recovery of the full measure of the loss to the estate notwithstanding the fact that decedent is survived by no next of kin or statutory beneficiary." SPEISER, *RECOVERY FOR WRONGFUL DEATH* (1966), at p. 251.

This argument is particularly necessary to the claim of the Crawley estate since no brother or sister would probably have survived Captain Crawley, he being the youngest, and we recognize some merit in it. Such an approach in essence measures the net value of the life which was wrongfully taken, and in measuring the responsibility of the tortfeasor thereby, provides a simpler means of computing damages. It also avoids what is claimed to be an unconscionable result where a valuable life is taken, but there exists no obligation on the part of the tortfeasor to pay for it because no survivor could make claim for the loss of it.

We reject this view, however, because it has commended itself to so few other jurisdictions, and because its fundamentally punitive approach is inconsistent with the expressed compensatory philosophy of the maritime law.

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<sup>9</sup> See SPEISER, *RECOVERY FOR WRONGFUL DEATH* (1966), § 3.2, where the author indicates that several states measure damages solely by loss to the estate, while a few others, e.g. Florida, provide that a claim for estate loss may be made where there are no surviving statutory beneficiaries.

As concepts of compensation for humanitarian purposes have grown, and with them an erosion of the barriers to recovery based on fault concepts,<sup>10</sup> we believe the courts have as well moved away from ideas that damages ought to be punitive rather than compensatory.<sup>11</sup>

None of the federal wrongful death statutes premises recovery on losses sustained by the estate, but each provides a specified list of beneficiaries for whose benefit the action is to be brought.<sup>12</sup> The Supreme Court itself recognized, in reliance upon *Speiser*, *supra*, and other sources, that 44 states and territories measure damages by losses sustained by beneficiaries.<sup>13</sup>

While a few of those jurisdictions measuring damages by loss to beneficiaries permit an action on behalf of the estate where the decedent is not survived by any statutory beneficiaries, and a few other as noted earlier, measure all losses by loss to the estate, the majority do not provide for this type of recovery.<sup>14</sup> Thus, while appellant is not without some authority for the position urged, we hold the better rule to be

<sup>10</sup> See, e.g. *Mahnich v. Southern S.S. Co.*, 321 U.S. 96 (1944), where the Supreme Court held that a shipowner's duty to provide a seaworthy ship is absolute, and not satisfied by due diligence.

<sup>11</sup> In an admiralty action it has been held that an individual claimant may not recover punitive damages absent a showing of gross negligence, actual malice or criminal indifference. Thus, where the action is predicated upon unseaworthiness alone, punitive damages are not recoverable. See *In Re Marine Sulphur Queen*, 460 F.2d 89 (2nd Cir. 1972), *cert. denied* 409 U.S. 982 (1972).

<sup>12</sup> See 42 U.S.C. § 761; (text provided in note 4, *supra*). See also 42 U.S.C. § 688 (Jones Act) which incorporates by reference the recovery provisions of the Federal Employers Liability Act, 45 U.S.C. § 51, which provides in pertinent part:

Every common carrier by railroad . . . shall be liable in damages to any person suffering injury . . . or in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and if none, then of such employee's parents; and if none, then of the next of kin dependent upon such employee . . .

<sup>13</sup> 414 U.S. at 587, n. 21.

<sup>14</sup> See *SPEISER*, *supra*, at 63-66.



10 *In the Matter of Cambria Steamship Co.* Nos. 73-1349-50

that the action exists *primarily* for the benefit of individual beneficiaries, and general losses to the estate are not recoverable. *Moragne* and *Sea-Land Services v. Gaudet* speak consistently in terms of dependents:

"In overruling *The Harrisburg*, *Moragne* ended these anomalies by the creation of a uniform federal cause of action for maritime death, designed to extend to the dependents of maritime wrongful-death victims admiralty's 'special solicitude for the welfare of those men who under[take] to venture upon hazardous and unpredictable sea voyages.' *Moragne*, *supra*, at 387. Our approach to the resolution of the issue before us must necessarily be consistent with the extension of this 'special solicitude' to the dependents of the seafaring decedent."

*Sea-Land Services v. Gaudet*, 414 U.S. at 577

In our view, the liberal and humanitarian character of maritime proceedings as expressed in *Moragne* and *Gaudet*, *supra*, contemplates solicitude for dependents, not inanimate estates. In so holding, we do not rule that certain specialized losses such as funeral expenses may not nonetheless be recovered by the estate, as is the case in several states premising primarily recovery on a beneficiary rather than an estate theory.<sup>15</sup>

#### NON-DEPENDENT BROTHER AS BENEFICIARY

Many of the reasons for rejecting the claim of Crawley's estate apply as well to the claim of Frederick Rischmiller.

We recognize at the outset that loss of prospective inheritance is frequently held a proper element of damages which are awarded qualified beneficiaries. Thus it is allowed under the Death on the High Seas Act, *National Airlines, Inc. v. Stiles*, 268 F. 2d 400 (5th Cir. 1959) and the Federal Employers

<sup>15</sup> See, e.g. Illinois Revised Stats. ch. 70 § 2, where it is provided that the estate may recover up to \$900 for hospitalization, medical and funeral expenses, and other administrative costs, where no beneficiary survives. See also *SPEISER*, *supra*, at 66.

Liability Act, see *Martin v. Atlantic Coast Line R. Co.*, 268 F. 2d 397 (5th Cir. 1959), and hence would be available under the Jones Act. See *Cleveland Tankers v. Tierney*, 169 F. 2d 622 (6th Cir. 1948).

These acts, however, specifically limit recovery to parents, children, spouse or dependent next of kin. Non-dependent collateral relatives are not included.<sup>16</sup>

The reason for the different treatment, we conclude, lies in the nature of the relationship existing between the claimant and the decedent. In awarding loss of inheritance to a widow, the court in *National Air Lines v. Stiles*, *supra*, observed:

"It is as likely that a wife in these circumstances who did in fact inherit her husband's entire estate on his untimely death, would continue to be the natural object of his affection and beneficence if lived out his expectancy and made substantial accumulations as that he would continue to give her the kind of support the defendant admits he would continue." 268 F. 2d at 403

State law provides less guidance. In a large number of states, loss of prospective inheritance is recognized as a proper element of damages.<sup>17</sup> Except in "loss of estate" jurisdictions, however, there is little uniformity among the state acts.<sup>18</sup> We have, in fact, been shown no case in which a non-dependent collateral relative was awarded damages for this loss.

We remain unconvinced that the humanitarian principles of maritime law which led the Supreme Court in *Sea-Land Services v. Gaudet*, *supra*, to compensate a widow for loss of

<sup>16</sup> See Footnotes 5 and 12, *supra*.

<sup>17</sup> *O'Toole v. United States*, 242 F. 2d 308 (3rd Cir. 1957), and cases cited in Annotation following *Martin v. Atlantic Coast Line*, *supra*, 91 ALR 2d 477; SPEISER, *supra*, at 182-183.

<sup>18</sup> See generally, the Annotation following *Schwarz v. Gage*, 417 S.W. 2d 33, 31 ALR 3rd 371, 379, indicating that recovery by collateral relatives is variously limited or precluded in a number of states by dependency and pecuniary loss requirements. There is reflected no general trend in the states regarding recovery by such persons.

12 *In the Matter of Cambria Steamship Co.* Nos. 73-1349-50

society, should lead us to hold that a non-dependent and collateral relative should recover for loss of an inheritance, based solely upon his legal relationship to the deceased as next of kin. We agree with appellants that the amount of a deceased's prospective accumulations may not be too speculative to ascertain, see *O'Toole, supra*, and indeed, the special masters here experienced little difficulty in determining them upon the proofs. An even greater uncertainty, however, is whether the particular claimants would ultimately have received any benefit themselves. As the special masters observed, in discussing the likelihood that Crawley's collateral relatives would have ultimately inherited his accumulations:

"We are asked to assume that he would have divided his estate equally among each branch of his family, that he would have given no portion of his estate to charity or to individuals outside the family, and that he would have continued saving, even though the only individuals who would have benefited from such saving would be collateral relatives. All of these assumptions may be true; or all may not be true.

"These assumptions are by their very nature more speculative ones than those we are required to make in dependency claims. In dependency claims there is either a legal or moral obligation to support the dependent, and there is a history of the amount of contribution and its frequency. This pattern of established conduct forms the basis for a prediction of future conduct."

Comfort, companionship and society, recognized in *Gaudet, supra*, go to the very heart of family life, and their loss by family members is genuinely felt, thus justifying the intervention of the humanitarian maritime law. On the other hand, loss of prospective inheritance by one whose hopes of that inheritance hinge upon the fortuity of a man remaining unmarried and childless throughout his life, is not an injury capable of comparison with the losses sought in *Gaudet*. The mere accident of blood relationship with nothing more does not itself

Nos. 73-1349-50    *In the Matter of Cambria Steamship Co.*    13

call for that special solicitude which the maritime law holds  
for those injured within its jurisdiction.

Accordingly, the judgment of the district court is affirmed.

On this occasion Oswald was dressed in dark slacks, light blue sport shirt, short sleeves. Carlos whose last name I don't know is a well dressed man, black hair, black eyes, approximately 5'11" to 6' tall, very neat would assumed he was a business man. His approximate age would be late 20's or early 30's. He was wearing a light weight suit either black or dark blue, moustache, clean shaved, and had an accent but was not pronounced as Achaca's accent, appeared to be highly educated might be considered as a high class Spaniard as was Achaca.

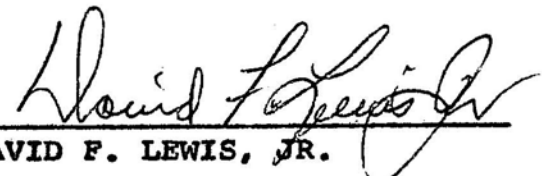
Achaca Smith was dressed in a sport coat, white shirt and tie, very neat, short and stocky, black hair, dark complexion, talked with a very thick accent. Achaca Smith to me appeared to be the boss.

I had only seen Oswald about three or four times in the neighborhood of Lafayette and Camp Streets in the Newman Building.

A few days either before or after Mancuso's, I went into Banister's Office. I went in, they shut the door to the inner office as if highly confidential. In Banister's office was, Banister, Dave Ferrie, Achaca and a slim, sandy-haired young man. This man could have very well been Oswald. By the way, Louise Decker happened to be in the office at this time.

Another time I remember seeing Carlos \_\_\_\_, Achaca Smith and Dave Ferrie walking from Mancuso's Restaurant toward Banister's Office.

WITNESSES:

  
DAVID F. LEWIS, JR.

August 4, 1969.  
2118 St. Johns Ave.,  
Jacksonville, Fla. 32204.

August??

Mr. Jim Garrison,  
District Attorney,  
Parish of Orleans,  
State of Louisiana,  
2700 Tulane Ave.,  
New Orleans, La. 70119.

Dear Mr. Garrison:

I feel sure that the matters mentioned here have already come to your attention, but I wish to make some further comment which you may find of interest. The article by Norman Cousins in the July 29 "Look" called "How the U. S. Spurned Three Chances for Peace in Vietnam" is important in my opinion because it represents another effort at a different level to get an investigation going into the causes of our Vietnam disaster. This article was also published in the July 26 issue of "Saturday Review." The attached copy of a letter I sent Mr. Cousins and the editor of "Look" is self-explanatory. Norman Cousins is a man of considerable stature and he carries weight in the media which have produced the phenomenon of mass acceptance of the myths surrounding the Kennedy assassination. This raising of questions by him has some significance for that reason. On page 27 of this same issue of "Saturday Review" there is a footnote to the times in which in the concluding paragraph of a review of "The Agony of the American Left" the reviewer says: "At its recent mock inaugural in Washington, the New Party presidential candidate, Dick Gregory, designated Jim Garrison as 'the greatest man in America.'" Gregory is a perceptive man and I think I understand why the statement was made. The health of the country requires an investigation going beyond the questions raised by Cousins, but even this is encouraging. If the subject can be kept alive by enough people an investigation will eventually have to take place. I repeat what I said in a letter to Mark Lane Oct. 31, 1964: "I am sure the American people, as they endure one disaster after another in the days ahead, will not let the matter rest."

James Hepburn's book "Farewell America" places so many details concerning the assassination beyond the realm of conjecture that it could lead to a new investigation if our system of thought control were not so pervasive and massive. We are a punch-drunk nation fully engulfed in 1984, to use this old cliché. And the crowds going to the Kennedy grave have dropped to 25% of what they were last year. The glamor fades, the people forget. The time for an investigation was in 1964 when Bobby Kennedy was Attorney General. I wrote him as a private citizen in April 1964 urging this course. He could have rallied the people then, and it should have been done. Instead he made speeches in Europe and here going out of his way to say that the assassination was the work of one man. Whatever his motives they did not get him into the White House or advance the family fortunes and they did not even save his life, in fact the position he took helped bring about his death by leaving the powerful assassins free to continue their work. The Kennedys seem to be a lost cause and if so they lost their own cause. But all the American people to the last man, woman and child are deeply involved in these assassinations and none of them will ever be safe again until a proper investigation is made and the veto of the assassins removed from our political processes. Hepburn's book has been greeted by the silence of the tomb. But there will be others. And our Vietnamese disasters have only started. We are engaged in the beginning phases of a land war in Asia, and how we fare there will depend on the billion or so Asiatics over whom we have no control. I am afraid this is the great disaster of our history. One of the tragedies of the time is that the magazines of the "left" for the most part did not deal properly with the Kennedy assassination but chose to join in the official silence and even active opposition to efforts at investigation. The nation as a whole was forced to become an accessory after the fact. This is where the Kennedys could have played a major role at national salvation but they didn't, and now they probably can't.

I hope that Mark Lane and others are working on books which will add to the subject and keep it alive. So much of this activity centered in New Orleans that this phase alone could warrant a book. I hope someone undertakes it.

I received a good letter from Senator Joseph Tydings concerning the letter to him of which you received a copy. He seems to be a sound man. There are others like him. If all who want to see our democratic processes function again keep up their activity there is no telling what can be achieved. You certainly rank very high in this group, and I wish you the best of luck in your coming race for District Attorney and any other political activity in which you might engage. Someday when I am there in New Orleans I hope to have the pleasure of meeting you personally. I appreciate this opportunity of writing you.

Sincerely,

David B. Lord

David B. Lord

P. S. In years past when I lunched at International House with my employer, H. L. Peace, I might have become acquainted with Clay Shaw had I known what was to happen in future. But one never knows about such things.



VINCENT FRANK FRANZONE

vs.

OCHSNER FOUNDATION HOSPITAL et al

\* NO. 11724  
\*  
\* COURT OF APPEAL  
\*  
\* FOURTH CIRCUIT  
\*  
\* STATE OF LOUISIANA  
\*  
\*

\*\*\*\*\*

O R D E R

This record has been examined and the following apparent defect, indicating the lack of jurisdiction on the part of this Court, has been found:

The last day to perfect an appeal herein was March 31, 1980. The appeal was not taken until April 11, 1980.

IT IS ORDERED that all parties to this litigation show cause by briefs to be filed on or before September 8, 1980, why the appeal in this matter should not be dismissed for lack of jurisdiction.

This order shall not affect the time for filing briefs on the Merits under the Uniform Rules of the Courts of Appeal, State of Louisiana, as amended.

New Orleans, Louisiana, this 25<sup>th</sup> day of August, 1980.

C. Pontus Sarpan  
J U D G E

A TRUE COPY

NEW ORLEANS AUG 25 1980

*Skutumpah*  
CLERK OF APPEAL, FOURTH CIRCUIT

26439 1



JIM GARRISON  
DISTRICT ATTORNEY

## DISTRICT ATTORNEY

PARISH OF ORLEANS  
STATE OF LOUISIANA  
2700 TULANE AVENUE  
NEW ORLEANS 70119



November 9, 1967

### P R E S S   R E L E A S E

Yesterday in the United States District Court in New Orleans David Chandler's attorney, Cicero Sessions, indicated that he had volunteered to appear with David Chandler in the District Attorney's Office and testify under oath before the District Attorney about his information about organized crime in New Orleans. Neither Mr. Sessions nor David Chandler has ever volunteered to appear in the District Attorney's Office to testify about organized crime. However, if they are sincere in such an offer, I accept the offer and ask Mr. Sessions and Mr. Chandler to appear in the District Attorney's Office immediately or at any time at their convenience. The sooner the better. Mr. Sessions may be present and sit in on the interrogation, if he so desires. This can be accomplished while the United States District Court considers the question of whether or not Mr. Chandler may be compelled to testify before the Grand Jury.

D-1

I want to make it crystal clear that it has never been my intention to gag the press or any member of the news media either by threatening them with prosecution or asking them to reveal the source of their information. I do not intend to infringe upon the privilege of a newsman to keep secret his informers, which I respect. It is my intention to get at the root of this matter to determine the truth about the alleged existence of organized crime in New Orleans and to obtain any evidence or information that David Chandler may have about organized crime. If he has evidence, or any information that will lead to evidence, that organized crime exists, or about the commission of any crime, we will act upon that evidence and make arrests and prosecute. If he does not have either evidence or information, I think that the District Attorney's Office and the people of New Orleans are entitled to know that he does not.

It is inconceivable that Mr. Chandler would refuse to give details which he may have in his possession about organized crime. The Grand Jury has received my sworn testimony the sworn testimony of Governor McKeithen, and the sworn testimony of the Superintendent of State Police and the sworn testimony of the Superintendent of the New Orleans Police Department.

-3-

I do not believe that a man who claims to be a special officer of the State Police under the supervision of Governor McKeithen and Col. Burbank should refuse to testify.

CA 67-1545

See G

D 1

264391

November 3, 1967

Melvin M. Belli, Esquire  
The Belli Building  
722 Montgomery Street  
San Francisco, California 94111

Dear Mel:

Last night WDSU-TV, a local television station which has been very active in attempting to obstruct and obscure our investigation of President Kennedy's assassination, announced that I had gone to see you about suing Life Magazine. Inasmuch as this was not a true statement, I presume that this was just another instance of WDSU-TV bending the facts in order to create a desired impression or to attain a desired objective of its own. At all events, I would appreciate hearing an expression from you as soon as possible concerning the reasons for my visiting you.

I am sure you will recall that I visited you on a social basis in response to your request. As you know, I had work to do in San Francisco in connection with the Kennedy assassination and my visit with you had nothing to do with that nor did it have any connection with any plan of mine to file a suit. I do recall that the libelous nature of the Life articles came up and that, speaking as two lawyers, we discussed present trends of the law of libel today. At no time, however, did I ask you to file a suit for me against Life Magazine.

The reason why I hasten to clarify this is because of my personal conviction that Dick Billings, the editor in charge of the Life project concerning organized crime in Louisiana, is a man of integrity who will undoubtedly

D-1

Melvin M. Belli, Esquire  
November 3, 1967  
Page Two

correct the erroneous stories when he learns how far afield Life was led by bad information. Furthermore, I am personally fond of Dave Chandler and I would not want to interfere with his career by causing misunderstandings on his part to be a basis for a suit against Life. Consequently, it is not my intention to file any such suit nor have I expressed such an intention to any attorney -- because of my complete confidence that Life Magazine in due course will learn what the truth is and correct its erroneous stories.

I would be grateful if you would confirm for me your recollection of our discussion. It is an irritating thing, as you will appreciate, to have a television station announcing that you plan to sue someone when you have given no thought to such a project -- and I would like to confirm that my above-described recollection of my visit with you conforms with your recollection.

I hope we can get together soon, and by all means give me a call if you get down this way.

Sincerely,

JIM GARRISON  
District Attorney

JG:lcs



DI

CA # 67-1545



JIM GARRISON  
DISTRICT ATTORNEY

## DISTRICT ATTORNEY

PARISH OF ORLEANS  
STATE OF LOUISIANA  
2700 TULANE AVENUE  
NEW ORLEANS 70119



November 9, 1967

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U. S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
FILED NOV 27 1967  
A. DALLAM O'BRIEN, JR.  
CLERK

I want to make it crystal clear that it has never been my intention to gag the press or any member of the news media either by threatening them with prosecution or asking them to reveal the source of their information. I do not intend to infringe upon the privilege of a newsman to keep secret his informers, which I respect. It is my intention to get at the root of this matter to determine the truth about the alleged existence of organized crime in New Orleans and to obtain any evidence or information that David Chandler may have about organized crime. If he has evidence, or any information that will lead to evidence, that organized crime exists, or about the commission of any crime, we will act upon that evidence and make arrests and prosecute. If he does not have either evidence or information, I think that the District Attorney's Office and the people of New Orleans are entitled to know that he does not.

It is inconceivable that Mr. Chandler would refuse to give details which he may have in his possession about organized crime. The Grand Jury has received my sworn testimony the sworn testimony of Governor McKeithen, and the sworn testimony of the Superintendent of State Police and the sworn testimony of the Superintendent of the New Orleans Police Department.

-3-

I do not believe that a man who claims to be a special officer of the State Police under the supervision of Governor McKeithen and Col. Burbank should refuse to testify.

# Small Publishers Struggling After Court Impounds Books

By EDWIN McDOWELL

More than 850,000 books from 65 small publishers are tied up in a Connecticut warehouse, under orders of the Federal Bankruptcy Court in Bridgeport. The publishers say that unless the order is lifted soon, it will drive many of them out of business.

Few of them have other books in stock to ship to stores or book clubs, and proceeds from previous book sales have been put into an escrow account.

The central issue is whether the publishers or a Bridgeport-based distributor, Key Book Services Inc., have rights to the books and the money owed by bookstores that have ordered some of them. Large publishers who know about the case said the legal tangle is indeed a serious threat to the publishers involved.

The ruling grew out of the failure of Key to repay a \$3 million loan from the Connecticut Bank and Trust Com-

pany. The bank obtained a court order preventing distribution or sale of the books until a determination is made whether the bank now has an interest in the books.

Yesterday the publishers accused the bank of attempting to seize and sell the books "at remainder prices." The publishers insist that they alone own the books and the accounts receivable.

The parties have been unable to agree on a settlement offer, which the publishers said would have required them to give up some of their assets to repay the bank's loan to Key. Several publishers said the settlement would have cost their group approximately \$2 million.

## Position of Publishers

"The position of our people is that they're being forced to pay back a loan for which they never received any benefits," said Tracy Alan Saxe, a New Haven lawyer representing 39 of the publishers.

## The publishers see the dispute in 'David against Goliath' terms.

Robert Dombroff, the lawyer for Connecticut Bank and Trust, said it was against his policy "to comment on pending litigation."

Harold Levine, the owner of Key, contended that the publishers had caused the problem by arguing in court that the money owed by the bookstores belonged to them rather than Key. He said the bank and the creditors' committee of Key do not want to hold the books hostage. "They'd do that if they have no choice," he said, "but they want a fair settlement."

The publishers see the dispute in "David against Goliath" terms, said Rollin Riggs, president of Mustang Publishing in New Haven. He said Mustang, which specializes in books on how to be admitted to college and schools of medicine, law and business, has 70,000 books locked up in Key's warehouse.

Another publisher, Bruce Shaw, the founder of the Harvard Common Press in Boston, said "It is the most bizarre situation I have ever lived through."

If he does not get access to his books soon, "I will lose everything I've worked for for 10 years," Mr. Shaw said.

Other publishers caught in the case include the Congressional Quarterly, Hill & Company, Jameson Books, the Council on Foreign Relations, Kiplinger Books, Marion Boyars Publishers and Architectural Book Publishing.

They are clients of Kampmann & Company of New York, a national distributor. Kampmann agreed to sell their books and perform such services as receiving, warehousing, shipping, customer services and the collection of money owed them.

## Distributors' Verbal Agreement

But in 1987, Kampmann entered into a verbal agreement with Key under which Key would fill orders and perform related services for the publishers while Kampmann would retain the marketing and sales. The publishers contend that they did not know of that agreement and that their deal with Kampmann could not be assigned to a third party.

They might not have known the specifics of the agreement, but they knew there was an arrangement," Mr. Levine of Key said. "It wasn't up to us to tell them what it was. We had a relationship with Kampmann, not with them."

Eric Kampmann, the founder of Kampmann & Company, said: "Up until four weeks ago, all parties agreed that the inventories were the property of the publishers. In my view the inventories are being used as a bargaining chip at an enormous cost to the individual publishers whose books cannot be sold."

## Statement Signed by 39 Publishers

In a statement released through Alfred Regnery of Regnery Gateway, a Washington publishing house, the 39 publishers insisted yesterday that they do not owe the bank money. The 39 contend that Key pledged the publishers' accounts receivable as collateral for its loan and that the money is owed solely by Key.

On March 9, Key filed for protection under Chapter 11 of the Federal Bankruptcy Code, and later in March Kampmann also filed for Chapter 11. Kampmann subsequently entered into a new distribution agreement with the National Book Network. But when Kampmann sought to remove books from the Key warehouse to National's warehouse in Savage, Md., Connecticut Bank and Trust asked for a temporary restraining order.

Until a court determination is made, the publishers are prohibited from selling the books in the warehouse. A hearing to determine who owns the inventory in the warehouse is scheduled for July 21. Hearings on other issues are unlikely to take place before November.

The New York Times

THURSDAY, JUNE 29, 1989

Low - this is the strange federal case which blind-sided us - temporarily.

Now postponed by the federal district court until December.

## Review

### ON THE TRAIL OF THE ASSASSINS: My Investigation and Prosecution of the Murder of President Kennedy By Jim Garrison

343 pages. New York: Sheridan Square Press, \$19.95

Ever since November 22, 1963, efforts have been made to pin the assassination of President John F. Kennedy on Fidel Castro. Within hours of the arrest of Lee Harvey Oswald on that Friday afternoon in Dallas, radio and television were telling the nation that the assassin was a "pro-Castro Marxist" who worked with the Fair Play for Cuba Committee in New Orleans. Under this media barrage, who would dare speculate that the president had fallen in a rightwing coup?

Into this plot stepped New Orleans District Attorney Jim Garrison—World War II combat pilot, ex-FBI, National Guard, orthodox believer in U.S. political and legal structures. When he launched an investigation of Oswald's New Orleans connection, Garrison was just doing his job. *On the Trail of the Assassins* explains how this investigation transformed his view of the FBI, the CIA, and the government.

Garrison found out that Oswald's leafleting for the Fair Play for Cuba Committee on the streets of New Orleans was "sheepdipping" to make him appear "pro-Castro." "Nobody," writes Garrison, "has ever succeeded in locating a genuine New Orleans chapter of Fair Play for Cuba." Yet, he continues, "Following the assassination, Oswald was immediately branded a communist, with his leafleting activity in New Orleans cited as the prime evidence."

The trail Garrison followed did indeed lead to a Cuban connection: an anti-Castro connection. For example, the man in charge of shaping Oswald's image in the summer of 1963 was Guy Banister, former head of the FBI in Chicago and trainer of anti-Castro Cubans north of Lake Pontchartrain in 1963. David Ferrie, another of Oswald's close associates that summer, worked for the CIA as a trainer of anti-Castro Cubans for the Bay of Pigs invasion.

Far from being a Marxist, Oswald was carrying out "his ill-fated assignment as an *agent provocateur*" and would find out too late that

he was being set up. He was assassinated on TV before he got a chance to explain why he was yelling to reporters that he was a "patsy."

One connection links the CIA elements who planned the Bay of Pigs invasion with the mayor's office in Dallas: the Cabell brothers. During the Bay of Pigs, Charles Cabell, then acting chief of the CIA, "beseeched" Kennedy to provide U.S. air support, which was refused. Kennedy replaced Charles Cabell in early 1962. Earle Cabell, Charles' brother, was mayor of Dallas when the Kennedy motorcade's route was changed at the last minute to take him on a slow detour past the Texas School Book Depository and the grassy knoll.

When a Senate committee investigated the CIA in 1975-76, it turned out that Kennedy had approved Operation Mongoose and other CIA plans to assassinate Fidel Castro. This led to a twist on blaming the victim: Castro must have killed Kennedy because Kennedy was trying to kill him. Garrison wryly notes that Castro would hardly have preferred Lyndon Johnson.

In fact, Castro had reason to hope for better relations with the United States in late 1963 when Kennedy was being called "soft on Cuba." Kennedy sent a messenger, French journalist Jean Daniel, to find out how Castro would respond to the idea of a dialogue with the United States. Daniel was in Cuba with Castro when they heard that Kennedy was shot.

Garrison is now a judge in the Louisiana Court of Appeals for the Fourth Circuit, reelected in 1987 to his second ten-year term. His belief that there was a conspiracy to kill Kennedy is now shared by many experts. Even the House Select Committee on Assassinations concluded in 1979 that more than one person was shooting at Kennedy and that there probably had been a conspiracy.

*On the Trail of the Assassins* expands Garrison's *Heritage of Stone*, bringing the pursuit of who killed Kennedy up to the present when the forces involved in the so-called Secret Government are no longer so secret. It is essential reading for those who want to understand how the Kennedy assassination fits into Cuba-U.S. relations.

—Jane Franklin

from the major media of the U.S.

Here is a fairly representative review of the book, which I selected as a good example of a reviewer who read it with a clear understanding and who writes with equal insight and clarity.

Curiously enough, there are almost no reviews — one way or the other — which ever surfaced. Apparently stuck with their empty headed rush to judgment to ratify the Warren Commission and the government's fairy tale, they are not free now to acknowledge that they supported a lie.

10 Cuba Update Summer 1989 Rather than admit they were wrong, they look away from the mirror held up to them and pretend that Kennedy never was assassinated. The book which made the assassination a success — is a dangerously under-rated

threat to the survival of the U.S. as a republic

CONFIDENTIAL

DL 100-10461

Eyes	Grey
Hair	Brown
Father	ROBERT EDWARD OSWALD, (native of New Orleans, Louisiana), deceased August, 1939
Mother	MARGARET CLAVIER OSWALD, nee Clavier (native of New Orleans, Louisiana), currently resides at Vernon, Texas
Brother	ROBERT LEE OSWALD, 7313 Davenport, Fort Worth, Texas
Half-brother	JOHN EDWARD PIC, U. S. Air Force, Japan

- 14\* -

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## Was the CIA Involved in the Assassination of President Kennedy or the Cover Up Conspiracy?

### Introduction:

For more than ten years there has been much speculation about whether the Central Intelligence Agency played a role in the assassination of President John F. Kennedy. With the Watergate revelations, the testimony of such well known CIA types as Richard Helms, E. Howard Hunt, and James McCord, and with many questions about the CIA's role in the Watergate episode still unanswered, it seems pertinent to once again raise the questions in the title. Was the CIA involved in some way in the conspiracy to assassinate John Kennedy, and was the agency involved in the second conspiracy to cover up the first?

Various assassination researchers and writers have, through the ten years, shown substantial evidence that CIA front organizations and former CIA agents were involved in the first conspiracy and that the CIA itself was deeply involved in the cover up conspiracy. (1) (2) (3) (4) Recent revelations and new evidence has appeared that make the questions worth further exploration.

### E. Howard Hunt and Mexico City:

The most recent revelations concern that compulsive spy, Everette Howard Hunt. Tad Szulc (5) has informed us that Hunt was CIA acting station chief in Mexico City during August and September, 1963. Because of a hole in the known whereabouts of Hunt, as documented by Szulc, we can draw the conclusion that he was still acting station chief in October and November 1963. To the uninitiated this may seem disconnected from the JFK assassination. However, to the researchers who have had access to the statements made by CIA agents Harry Dean, Richard Case Nagell and to FBI reports about CIA agents Ronald Augustinovich and Mary Hope, Hunt's position in Mexico City is very significant. (6) (7) (8)

The sum of the evidence about the planning of the assassination in Mexico City is as follows: The assassination planning team met in Mexico City on a continuing basis from September through November 1963. The meetings were held in the apartment of Guy Gabaldin, a CIA agent. Persons attending the meetings were; Clay Shaw, David Ferrie, Guy Gabaldin, Albert Osborne, Harry Dean, Richard Case Nagell, William Seymour, Ronald Augustinovich, Mary Hope, Lee Harvey Oswald, and Emilio Santana.

The team moved from Mexico City to Dallas in November and set up shop at two different houses, one a rooming house run by Tammie True. They carried off the assassination on November 22, 1963 with Seymour, Santana and two other hired gunmen firing shots. Several other participants were recruited in Dallas including Jack Lawrence, Fred Lee Crisman, Frenchy, Jim Braden, Jim Hicks, Breck Wall, Jack Ruby and Larry Craford. Several members of the Dallas police were also recruited to assist with preparations and to help frame Oswald.

Since every one of the people attending the planning meetings in Mexico City were CIA agents or CIA front organization employees, it seems logical to assume that Hunt either organized the meetings or at least knew they were taking place and sanctioned them. Gabaldin lived and worked in Mexico City as a full time CIA agent. He must have reported to Hunt as acting station chief. (2) (6) (7) (8)

According to both Hunt, in his own Watergate testimony and in his book, and Szulc in his book, Hunt organized several assassination teams under CIA auspices in Mexico City. He was planning the assassination of Castro in 1965 and the assassination of the President of Panama in 1971. (5) (9)

If Hunt knew about the assassination plans for JFK in Mexico City, could Richard Helms have not known about them?

On November 22, 1963 E. Howard Hunt was in a meeting with Richard Helms, Lyman Kirkpatrick and Harry Williams in Washington, D.C. They were discussing whether the CIA would put up more money for further support of anti-Castro Cubans in Florida. Hunt and Williams were still acting as go betweens for the CIA and the Cubans. This is a very

## CHAPTER 2-KENNEDY, THE AGENCY, AND CUBA

It is hard to imagine two major politicians in 1960 as completely different as Dwight Eisenhower and John Fitzgerald Kennedy. The superficial differences are easy to tick off. "Ike" was a conservative and a Republican. Kennedy was a liberal and a Democrat. At the time, the general was the oldest President to hold office, while Kennedy was the youngest elected. They both dramatically visualized that age difference: the general was partially bald, white-haired, wrinkled, stooped. Kennedy was tall with a head full of sandy, brown hair. He was smiling, effervescent, vibrant, with fashion model good looks.

In the 1960 election, the Kennedy braintrust was quite aware of these differences and worked to take advantage of them. Contrary to common opinion, the idea of the "New Frontier" theme was created not after the election but at the nominating convention in Los Angeles. At the downtown coliseum with over 50,000 in attendance Kennedy accepted the nomination with these words:

We stand today on the edge of a New Frontier-the frontier of the '60's-a frontier of unknown opportunities and perils-a frontier of unfulfilled hopes and threats.<sup>1</sup>

Kennedy was challenging those eight Republican years of security and quietude, or as one commentator has termed it "years of excitement cushioned in complacency."<sup>2</sup> For Kennedy was a new kind of liberal-well-informed, dynamic, moderate, fiscally prudent yet one who could reach across lines of class and politics to create a consensus. Unlike Adlai Stevenson and Hubert Humphrey he was

hard for the Republicans to pigeonhole.

But if there was one area where Kennedy and Eisenhower seemed to intersect, it was in their response to the communist threat. For all his seeming freshness and energy, Kennedy was a prudent politician. He knew that to be branded soft on communism during those paranoid times would be to invite political oblivion. Throughout his career he had assiduously cultivated his anti-communist credentials, even on domestic issues. For instance, when he first began investigating labor issues in the House of Representatives, he focused on communist membership in American unions.<sup>3</sup> During the McCarthy censure vote in the Senate he carefully dodged voting on the roll call to condemn by failing to call in his vote from the hospital. And it was this fence-sitting on the McCarthy issue that cost him the support of Eleanor Roosevelt in his drive for the vice-presidency in 1956.<sup>4</sup>

In the '60 campaign Kennedy was strong on national defense claiming a missile gap between the U.S. and Russia (there was but it was decidedly in our favor). He was strong on defending the small islands of Quemoy and Matsu off the coast of Taiwan against the Chinese Communists—a crisis that had been all but extinguished by that time.<sup>5</sup> Most of all, he was tough on Cuba. In the famous debates with Nixon, Kennedy used the Cuban issue like a billy club. When Nixon attacked the Democrats for "losing China", Kennedy shot back that he was in no position to accuse anybody of not standing up to the communists since he had allowed a communist takeover 90 miles off the Florida coast.<sup>6</sup>

Kennedy was even more specific in his prescriptions for remedying Castro, "We must attempt to strengthen the non-Batista

Democratic anti-Castro forces. . . Thus far these freedom fighters have had virtually no support from our government." <sup>7</sup> Although candidate Kennedy had been briefed by C.I.A. chief Dulles on the proposed operation against Cuba. There is some disagreement on what was said but neither party stated that the actual details of the operation were discussed. <sup>8</sup> If this is true then Kennedy showed an affinity with Nixon and Eisenhower about alternatives to Castro.

But below the level of campaign rhetoric, John Kennedy was not a more youthful version of the general in his attitude toward the communist threat, especially in what was becoming known as the "third world": those developing nations which had been set free from European colonialism. In the late '50's there was surprising conformity in American politics about counteracting Marxist infiltration or aggression in free or neutral areas: it must not happen anywhere, no matter what the price or circumstances. The attitude was not just simple but vehement, which explains the intensity of reaction to Cuba. The communist world was seen as a hulking monolith that was bridled and coiled, all set to enslave what was left of the free world. Soviet actions right after World War II, the Alger <sup>sp.?</sup> Hiss case, the activities of the House Un-American Activities Committee- of which Nixon was a member-, the wild accusations of Senator Joe McCarthy, all these and more seemed to paralyze rational analysis or learned response to this mysterious new phenomenon. But the heaviest weight ensuring a rigid, overwrought, knee-jerk reaction was the juggernaut of the domino theory.

Like most political boilerplate, the theory had a slight relation to fact. After World War II, Eastern Europe, excepting

Yugoslavia, had collapsed en toto to Stalin. Extrapolating from this, jingoists postulated that this reaction would be repeated again if another country were to fall to communism. The peculiar relationship of Russia to this area, the presence of the Red Army in Eastern Europe, Stalin's fear of Germany, the fact that China had gone Marxist under totally different circumstances and by itself in 1949--these factors were all ignored in obeying this quite oversimplified theory. Once the dominoes started falling there was no telling where they would stop: the Philippines, Australia, Hawaii, even San Diego.

And Eisenhower was an avid believer in the domino theory. In his administration, they seemed to be falling weekly in every direction. After the fall of Dien Bien Phu in Vietnam, a treaty organization had to be formed for "the whole anti-Communistic defense of that area [would not] crumble and disappear."<sup>9</sup> The Arbenz government had to be subverted or it would endanger Central America all the way to the Rio Grande. "My God", he told his Cabinet, "just imagine what it would mean to us if Mexico went communist!"<sup>10</sup> The U.S. could not lose Quemoy and Matsu, "unless all of us are to get completely out of that corner of the globe."<sup>11</sup> He even postulated that the threat must be met in Vietnam or the dominoes would fall across the Pacific to Australia.<sup>12</sup>

This was frightening to ponder for politicians. Who would want to be responsible for the loss of whole areas of the globe to these Marxist zealots? And who better to broadcast the alarm than the aged eagle who had saved us from the barbarous Nazis.

As we have seen in the intervening years, the Communist Bloc



was not a monolith and the domino theory did not describe the real world, although the fear of it led Lyndon Johnson into epic and personal tragedy in Vietnam. There were some scholars at the time who were bold and imaginative enough to think of the world as more than just bipolar, who wished to penetrate the surface of this new constellation of ideas and how they worked especially in the third world. Two examples would be the author of the containment policy, George Kennan, and his friend and academic colleague, Richard Lowenthal. A third was Jack Kennedy.

Kennedy had always held a strong interest in an curiosity about foreign affairs. His first published book, "Why England Slept" was an analysis of the reasons for that country's reluctance to face up to Nazi aggression prior to 1939. In 1950, Congressman Kennedy took a tour of the Far East. He returned a changed man. As his biographer Herbert Parmet notes:

He returned highly critical of. . .British and French colonialism. It enabled him to understand the potency of nationalism as a force more significant than communism and as something utilized by them to gain their own ends.<sup>13</sup>

So, in actuality, Kennedy was not a Truman clone. He was more sophisticated and penetrating on the issue, more subtle and sensitive, closer to F.D.R. In fact, he made his most courageous and insightful speeches on the Senate floor when he addressed the two French colonial dilemmas of Algeria and Vietnam.<sup>14</sup> Kennedy pushed for the granting of complete independence to both states. He felt that once granted, the independence movement would mushroom into an anti-communist crusade that would place the U.S. on the right side of history. And he was consistent on the issue

because he also linked it with granting aid to Iron Curtain countries who showed the desire for self-rule like Poland.<sup>15</sup>

So J.F.K. was not a doctrinaire Cold Warrior. Later, in 1963, he would tell Walter Cronkite that the Vietnam War was not primarily an American struggle: "Ultimately it is their war to win or lose".<sup>16</sup> Both Eisenhower and Nixon supported the war well into 1966.<sup>17</sup>

By the time the plan for the operation against Cuba reached Kennedy it had become larger than anyone had foreseen. In its operational phase it included ships, planes, landing craft, diversionary tactics, preliminary bombing and most importantly, the recruitment of thousands of anti-Castro Cubans. Most of them were enlisted around Miami and shipped to Guatemala for training. The action had gotten so large that Eisenhower had reluctantly postponed it and handed it over to Kennedy. The new President had downsized it slightly but had still maintained it as a "go" project. By now it had gained its own inner momentum. In Allen Dulles and Richard Bissell, two holdovers from Eisenhower, it had two stalwart defenders.

But it had gotten too big. Castro was tipped off early and cracked down on rebels inside Cuba so aid to the incoming groups was choked off. Finally stories on the guerillas' training in Guatemala began to break in the American press: "The Nation" ran an editorial in its November 19, 1960 issue; pictures appeared in the Miami Herald the same month; in January 1961 a detailed account made the front page of The New York Times.<sup>18</sup>

The eventual number of C.I.A. employees and Cuban refugees involved in the April 17th invasion reached to over 3,000 men.

Dulles and Bissell ensured Kennedy of its success. But from the beginning the assault degenerated into a debacle.<sup>19</sup>

In the preliminary bombing expeditions on April 15th, the fact that the planes used were owned by the United States was exposed. The diversionary landing near Guantanamo Bay could not land due to heavy waves. The main invasion force at the Bay of Pigs landed successfully but one of its supply ships sunk on the hidden reefs. Consequently, communications gear and aviation fuel was lost. This seriously crippled radio contact among the forces.

But the two big mistakes were in the agency's predictions about the Cuban response. Dulles and Bissell had told Kennedy it would take days for Castro to get troops, artillery and tanks to the front. Secondly, they stated that large numbers of Cubans would join the brigade once it landed. Both of these were dead wrong. Large forces were deployed against the invaders within 24 hours. Not one rebel reached the shore to aid the guerilla army.

By April 19th the invasion force was reeling. The C.I.A. appealed frantically to Kennedy to send in air power. He came close to doing so but decided against direct U.S. intervention. Ships ferried survivors back to Florida. Castro captured over 1,200 soldiers.

From this point on Kennedy grew less enamored of Dulles, Bissell and the agency. Feeling angry, misled, even betrayed, he once swore to, "splinter the agency into a thousand pieces and scatter it to the wind!" Dulles left shortly after and was replaced by John McCone. Bissell was asked to resign. When he resisted he was transferred to the Defense Department. Dozens of

older officers were asked to retire.

But strangely enough Kennedy kept the C.I.A. Miami station alive. A new bureau chief was installed and given an annual budget of 50 million. In the 18 months between the Bay of Pigs and the Cuban Missile Crisis there were more attempts to infiltrate Cuba, mostly failures. Distrusting the C.I.A., Kennedy assigned his brother to supervise this new operation with the codename MONGOOSE.<sup>20</sup> Again, assassination was part of the campaign but Robert Kennedy shielded his brother from the fact.

Then came the Cuban Missile Crisis of 1962.<sup>21</sup> In October, a special spy plane, the U-2, had photographed the installation of missile bases by the Russians on the island. Kennedy summoned a circle of his trusted advisers. With almost cosmic irony Dean Acheson was included, the man who initially started the containment policy. There were three general alternatives recommended as a solution. First, air strikes to take out the missile sites; second an invasion to secure their dismantlement; last, a blockade to stop their completion.

It is crucial to note that in both of these Cuban crises, very subtly, Kennedy was beginning to show his softer line towards Cuba and communism. He did not escalate the crises as Acheson, Eisenhower and Nixon <sup>JP</sup> have all said they would have <sup>SP</sup> doen and done immediately. Kennedy decided on solutions that would not spark further conflagrations or even worse antipathy than had existed in the worst place. In the second crisis, his coolness, lack of macho posturing, his flexibility all allowed the Russians a back alley escape without being completely humiliated. They accepted the blockade, turned their ships around and in return the U.S. promised not to invade Cuba again.

It was hailed as Kennedy's finest hour. The new President had proved his mettle and done much to redeem himself from the Bay of Pigs disaster. But there were two leftovers from the crisis that in the resultant euphoria went unnoticed. First, the U.S., much to Eisenhower's chagrin, did not demand on-site inspection of the missile removal. It was to be monitored by the same planes that had spotted them. Second, two days after its resolution, Kennedy pulled the plug on operation MONGOOSE and began to look for accomodation with Castro.

Few people foresaw the disappointment, bitterness, resentment and rage these two facts would produce among the Cuban refugees and the operational C.I.A. employees close to the scene. The first fact angered the latter; the second affected the former. By stopping the efforts to unseat Castro, the U.S. was telling the thousands of people it had recruited and given hope to that all the support which it had promised, and without which no effort was possible, was now gone. In essence Cuba was now Castro's forever. By not insisting on on-site inspection, the C.I.A. was now supposed to at least partially trust the Russians and Cubans with nuclear stakes, an unheard of thought. These were both hard to swallow and some people refused to do so. Some decided that to reverse the policies one had to change the policy-maker since Kennedy was now revealed as less than a classic Cold Warrior. The beginnings of the conspiracy to kill the President had its roots in the remnants and resentments of the Cuban operations. To understand its Dallas denouement we must understand its New Orleans genesis.

INTERVIEW OF JAMES PHELAN, 43991 GATEWOOD WAY, TEMECULA,  
CALIFORNIA, 92592. TELEPHONE (714) 699-1094

James Phelan was interviewed in his residence, 43991 Gatewood Way, Temecula, California on January 15, 1991 between 11:30 AM and 2:30 PM by Eugene M. Ingram, a California licensed Private Investigator. The interview was conducted in the living room. Ingram had not previously attempted to contact Phelan, thus he was unaware that an attempt was going to be made to interview him.

Phelan is an investigative reporter who had previously worked several years for the Saturday Evening Post magazine. The "Post" is no longer in publication. Phelan had interviewed and written articles about J. Edgar Hoover, L. Ron Hubbard, Jim Garrison, Clay Shaw and many others for the "Post." One of the many books he had authored was about the secret life of Howard Hughes. Many of Phelan's articles were highly favorable to positions taken by the U.S. Government.

In addition, Phelan had also written extensively about New Orleans District Attorney Jim Garrison's investigation of the assassination of President Kennedy. His writings were always highly critical of Garrison and his investigation. Phelan had even testified as a defense witnesses for Clay Shaw, a very unusual thing for an investigative reporter to ever do. Shaw was the only person that had ever been prosecuted in relation to Kennedy's assassination. Phelan's testimony for the most part was an attack upon D.A. Garrison's investigation and prosecution of Shaw. Phelan's testimony (and his reputation as an investigative reporter) allegedly contained the most important pieces of information that the jury used in their decision to acquit Shaw.

Because of Phelan's favorable Shaw articles and his disfavorable Garrison articles which had appeared in the "Post" and because of his defense testimony at Shaw's trial, coupled with recently released Freedom of Information Act material about the U.S. Government's covert use of the Saturday Evening Post and some of its reporters to plant stories, raised questions about whether or not Phelan was being directed by government agents to sabotage Garrison's prosecution of Shaw in order to maintain the findings of the Warren Commission.

In addition, FDA documents recently released thru the FOIA directly prove that, in 1963, two months before Kennedy's assassination, the Saturday Evening Post had been



in direct communication with the FDA about the FDA's criminal investigation of Scientology and its use of E-Meters. Additional secret FDA documents, written in early and mid-March 1964, immediately after Phelan conducted lengthy in-person interviews of L. Ron Hubbard allegedly solely for the "Post" and prior to Phelan's highly critical story about Hubbard appearing in the "Post," prove that Phelan himself, secretly furnished transcripts of his interviews of Hubbard directly to the FDA with the knowledge and consent of its Chief Inspector in Washington, D.C.

The purpose of the interview was to attempt to learn about Phelan's alleged involvement as a investigative reporter who was possibly directed by, and as a reporter who shared his confidential interviews with, covert investigative and intelligence agencies of the United States government.

Because of Phelan's investigative background, it was necessary for Ingram to gain Phelan's confidence so that he would reveal information that he might have otherwise kept secret. Ingram decided the best way to accomplish this was by first talking about areas that were complimentary to Phelan and, at the same time, non-threatening to him. As the interview progressed, Ingram determined when would be the best time to shift the interview from a "soft ball" approach to a "hard ball" confrontation. The documents (described later in this report and attached in the addenda) were not shown to Phelan until the appropriate times and in the appropriate order. Thus, Phelan didn't fully understand the specific areas Ingram was pursuing until he was actually confronted with the secret FOIA documents, which identified him by name, in the latter "hard ball" phase of the interview.

The following debrief is written in chronological order so that the reader will more fully understand the reasons why Phelan made the statements he told Ingram.

Phelan's home is in an upper-middle class neighborhood. The home appears fairly recently constructed and is in good condition.

Ingram knocked at the door and it was answered by Phelan. Ingram identified himself as Private Investigator from Los Angeles and handed Phelan his California Private Investigator's identification card. Phelan read the card and asked Ingram what he wanted. Ingram apologized to Phelan for not making a prior appointment with him and told him that he didn't do this because he didn't have Phelan's phone number. (Ingram, in fact, did have Phelan's phone number but didn't want to make an appointment and thus alert Phelan that Ingram was conducting an investigation). Phelan then stated that he

and his wife just moved from Long Beach and he asked Ingram how Ingram knew where he lived. Ingram told him that he had a para-legal locate Phelan for him. Ingram told him that the para-legal had probably checked with voter's registration records, the post office or driving records. This seemed to satisfy Phelan's curiosity. Phelan then asked to again examine Ingram's identification card. Ingram handed him the identification card and a business card as well. Phelan closely examined both cards.

Phelan then asked Ingram why he wanted to talk to him. Ingram told Phelan that he had learned that Phelan had interviewed Clay Shaw for a Penthouse Magazine interview that appeared in the November 1969 issue. Ingram showed Phelan a copy of the interview which has a large photograph of Clay Shaw and Shaw's name in large letters below the photograph. (See addendum #1). Ingram told Phelan that he wanted to interview him as he was one of the few reporters, if not the only reporter, to have personally interviewed Shaw. Ingram told Phelan that he did an excellent job when he interviewed Shaw and, because of the recent controversy surrounding the release of the film JFK, Ingram wanted to interview him about other details concerning Shaw. (The highly controversial movie "JFK", produced and directed by Oliver Stone, was released about four weeks prior to the interview). Phelan then invited Ingram into his home and asked him to sit on the couch in the living room. Phelan then offered Ingram a cup of coffee, went into the kitchen and returned with cups of coffee for he and Ingram.

Ingram next drew Phelan's attention to a Penthouse question on page 30 and to a portion of Shaw's answer on page 68. Both the question and the partial answer had been previously highlighted by Ingram. The question read as follows:

"Penthouse: In his public utterances, Garrison repeatedly declared that the CIA had a major role in the Kennedy assassination. In this connection, the Rome newspaper Paesa Sara published a long story alleging that you were connected with an "international commercial organization" named Centro Mondial Commerciale, which Paesa Sara termed "a CIA front." What is your explanation?"

The partial answer read as follows:

"I have never had any connections with the CIA."

Ingram asked Phelan if he had seen the movie JFK. He replied that he had seen it twice. Phelan also stated that he was currently writing an article about the movie and its conclusions, however, he refused to identify the publication. Ingram then pointed out that the the movie stated that the

CIA later admitted that Shaw, had in fact, been connected to the CIA. Ingram then asked Phelan for his comments on this.

Phelan stated that during the time period that Shaw was allegedly connected to the CIA, the CIA was yearly debriefing about 25,000 persons who had travelled in foreign countries. Phelan stated that Shaw had merely been one of the many that had been routinely debriefed because Shaw frequently travelled to Central and South America.

Phelan then stated that assassination conspiracy buffs always try to use any little piece of data to prove their theories and that Shaw's routine debriefing by the CIA was one of these little pieces of data that was blown out of proportion by these persons. Phelan stated that persons probably confused the word "contact" with "contract" when talking about Shaw having had any "contacts" with the CIA.

Phelan then stated that former CIA agent Victor Marchetti also fueled the assassination conspiracy theories when Marchetti stated that he had attended meetings with Helms, then the Director of the CIA, and that Helms had told him that the CIA was doing what they could to help Shaw.

Phelan then was asked about the portions of the Warren Commission that were under seal until well into the next century. Phelan stated that the sealed files probably contain unproved accusations against innocent persons as well as statements from witnesses who only spoke on the condition that their statements were kept confidential.

Phelan stated that he's heard that the 30 page sealed file on David Ferrie probably contains allegations about Ferrie's homosexual activity.

When Ingram asked Phelan if he thought, after interviewing Shaw, that Shaw was homosexual, Phelan stated that he had no first hand information to say one way or the other and it appeared that Phelan felt uncomfortable being asked this question. (Note: Phelan's Penthouse interview of Shaw begins by stating, "Clay Shaw, a deep-chested soft-spoken bachelor of 57...home city of New Orleans, where he lives alone in a handsomely furnished little French Quarter house on Dauphine Street, and has a broad circle of friends, including playwright Tennessee Williams." The rest of the interview tends to show Shaw in a favorable light as merely an innocent victim of D.A. Jim Garrison's criminal prosecution.)

Ingram then asked Phelan what he knew about any reporters who had assisted the CIA plant stories. Phelan stated that there was no doubt that some reporters were used by the CIA but that he had no first hand knowledge of this.

Phelan then stated that his personal ethics as a reporter would never allow him to ever compromise a story or a source for a story and that he would never reveal the contents of any story, prior to its publication, to anyone, especially to anyone connected to any governmental agency. He then stated that New York Times reporter wrote a story about reporters with CIA connections and directed Ingram to research this story.

Phelan stated that while he was a staff writer for the Saturday Evening Post that no one ever told him to talk to the CIA.

Phelan stated that a reporter friend of his was used by the CIA for years. He refused to identify the reporter. When pressed further for the identity of the reporter, Phelan only stated that the reporter "was a foreign correspondent for the Hearst chain."

Phelan then stated that he knew that the FBI does attempt to cultivate reporters into becoming friendly with them for the purpose of having the reporters write stories favorable to positions taken by the FBI.

Phelan stated that in 1963 he interviewed J. Edgar Hoover for a Saturday Evening Post cover story. At that time, Hoover and Dr. Martin Luther King were involved in a vicious public fight over King's activities. After interviewing Hoover for the story, two of Hoover's top FBI assistants attempted to cultivate Phelan into including very negative things about King as part of the story about Hoover. As part of this cultivation, one of the assistants, Deke Delosh, Hoover's "right-hand" man, offered to let Phelan listen to audio tapes that the FBI had secretly obtained from a listening device that had been planted in King's bedroom. Delosh described the tapes to Phelan as being very filthy and that they were very explicit as to King's sexual activities. Phelan stated that he asked Delosh what he should say if he used portions of the contents of the tape in his story and someone asked him for the identity of the source of the tapes. Phelan stated that Delosh didn't answer him and that Delosh didn't discuss the tapes with him again. Phelan told Ingram about this incident to prove that he couldn't ever be cultivated by any government agency.

Phelan stated that Hoover once confided to him that Hoover had once met secretly with King in Washington, D.C.

Phelan stated that he has a reputation as an investigative reporter who has the ability to handle difficult stories that other reporters are unable to handle.

Phelan stated that Hoover had a practice of having his

assistant, Clyde Tolson, critically review each article that was in anyway critical of Hoover. If Tolson found anything that was inaccurate, he would write to the reporter, point out the error and then state that the error was typical of the entire piece. Phelan stated that he never received any letters from Tolson, thus, his story about Hoover must have been accurate and met with Hoover's approval.

Phelan stated that a reporter for Look Magazine, sometime around 1969, also did a personal interview with Clay Shaw. This was at about the same time that Phelan had written an article about Shaw for the Saturday Evening Post and had also conducted the Shaw interview for Penthouse Magazine. Phelan told Ingram this to show there was at least one other reporter that Shaw allowed himself to be interviewed by and thus, he wasn't the only reporter to which Shaw had granted an interview.

Ingram then showed Phelan three FBI documents that had been obtained under the Freedom of Information Act. Ingram directed Phelan to the sections of the documents which identified Ralph McGill, "syndicated columnist and publisher of the Atlanta Constitution", and Harold Martin, a staff writer for the Atlanta Constitution and "correspondent for the Saturday Evening Post" as being directly and willfully involved in a secret FBI counterintelligence program to destroy the Klu Klux Klan by printing FBI prepared written material in the Atlanta Constitution and in the Saturday Evening Post which had been fed to these reporters by the FBI. FBI Director Hoover approved the program and even commended the Atlanta FBI Special Agent In Charge for his "alertness and interest in suggesting this counterintelligence operation." Ingram asked Phelan to read the documents and then to comment about them.

Portions of each document had been vetted by the FBI prior to their FOIA release. The first document is one page in length (addendum #2) dated September 21, 1964. The document's "SUBJECT" portion reads, "COUNTERINTELLIGENCE PROGRAM, INTERNAL SECURITY, DISRUPTION OF HATE GROUPS". Other relevant portions of the document read as follows:

"As a result of our newly launched Counterintelligence Program against the Klan, Atlanta has suggested that we capitalize on a situation which could result in exposing the viciousness and duplicity of the Klan through the widespread publicity of an article in the "Saturday Evening Post."

"Ralph McGill, syndicated columnist and publisher of the Atlanta Constitution (vetted portion) had advised that a staff writer for his newspaper, Harold Martin who is also a correspondent for the "Saturday Evening Post," is currently writing an article on the Ku Klux Klan for that magazine.



Atlanta recommends that the Bureau furnish McGill appropriate material on the nationwide activity of the Klan for passage to Martin and possible use in his forthcoming article.

"...It will be recalled that recently McGill headlined his nationally syndicated column "The FBI Can Point To Job Well Done" and lauded the Director and the Bureau for "work in Mississippi and Georgia to mention just two jobs superbly done." Copy of article attached. Atlanta notes that McGill is a staunch and proven friend of the Bureau and that in this proposed counterintelligence operation of furnishing the Klan material to Martin, McGill would not betray our confidence.

"...we do have material readily available for passage to McGill."

The second FBI document (Addendum #3) is dated September 25, 1964. Portions of this document read as follows:

"To: SAC, Atlanta  
From: Director, FBI  
COUNTERINTELLIGENCE PROGRAM  
INTERNAL SECURITY  
DISRUPTION OF HATE GROUPS  
(PUBLICITY)

"Reurairtol 9/17/64, same caption, and Butelcall to (vetted portion) 9/24/ 64 advising of approval of counterintelligence operation suggested by re airtol.

"Enclosed are the original and one copy of counterintelligence material regarding the Klan prepared by the Bureau. The original of this document is for passage to (vetted portion). The copy should be retained in your files. You should advise (vetted portion) that when he gives this material to (vetted portion) for possible use in the "Saturday Evening Post" article, the Bureau must not be revealed as the source. (vetted portion) should understand that under no circumstances can sources be revealed or made available to substantiate the information this document contains.

"It should be tactfully suggested to (vetted portion) that he may find any of the material not actually used by (portion vetted) helpful in connection with his syndicated newspaper column.

"The bureau appreciates your alertness and interest in suggesting this counterintelligence operation. Advise the Bureau of positive results of your action and be alert to submit follow-up counterintelligence recommendations."



The third FBI document (Addendum #4) is dated January 7, 1965. Portions of this document read as follows:

"TO: DIRECTOR, FBI  
FROM: SAC, ATLANTA  
SUBJECT: COUNTERINTELLIGENCE PROGRAM  
INTERNAL SECURITY  
DISRUPTION OF HATE GROUPS

"ReBulet, 9/2/64.

"(1) Potential Counterintelligence Action

"...informants can be instructed to take position...that would tend to deepen any splits and cause disruption in the overall klan leadership.

"(2) Pending Counterintelligence Action

"By letter dated 9/16/64, the Atlanta Office proposed that (vetted portion) be utilized to work with another klan member on a large range basis to bring out the removal and downfall of (vetted portion). ...through his friendship with (vetted portion) and this action will also cause disruption and factionalism in the remaining klavern of the U.S. Klan. The action to move against (vetted portion) has been previously approved by the Bureau.

"By letter dated 9/17/64, the Atlanta Office recommended that certain written material be furnished to (vetted portion) of the "Atlanta Constitution" who in turn would pass on this material without disclosing source to (vetted portion) for utilization in an article to appear in the "Saturday Evening Post." This article was to pertain to the klans in the South. Bureau approval was secured and material was furnished to (vetted portion) and this article is scheduled to appear in the mid January, 1965, issue of the "Saturday Evening Post."

"...Tucker, Georgia...as a result of the recent elections, established sources in the Public Safety Department of DeKalb County have been let out and the reliability of the replacements has not yet been completely assessed."

"(3) Tangible Results

"As a result of the material on the klan furnished to (vetted portion) of the "Atlanta Constitution" for transmittal to (vetted portion) of the "Saturday Evening Post," (vetted portion) utilized certain portions of this material for articles which appeared in the "Atlanta Constitution" newspaper. This newspaper has wide circulation

throughout Atlanta area and Georgia. ...it is known that the article created much unfavorable publicity for the klan among the general public..."

As Phelan slowly read the three FBI documents he seemed to grow uneasy about discussing the FBI covert use of two reporters, especially Harold Martin of the Saturday Evening Post. Phelan started shifting in his chair and began stroking one of his arms in a nervous manner. Phelan then stated that he knew Ralph McGill but that he didn't know Harold Martin.

At this point, Phelan asked Ingram for the first time who Ingram was working for. Ingram told Phelan that the identity of his client was confidential but that his investigation had not targeted Phelan. This seemed to put Phelan somewhat at ease. He thought for a few moments and then again asked how Ingram how found him. He then said that his phone number is listed just as it had been for the 32 years he previously lived in Long Beach, California.

Phelan again asked Ingram who his client was. Ingram told Phelan that after he finished the interview that he would ask his client if the client would allow him to tell Phelan his identity. This seemed to satisfy Phelan somewhat. Ingram then told Phelan that his investigation was focusing in on the Saturday Evening Post being used by the FBI, CIA and other law enforcement agencies to plant false stories that the public read and believed and planted stories that these agencies then quoted as being factual in official reports to other agencies, particularly to INTERPOL in their reports to foreign governments. Phelan then stated that he fully understood how the system worked and Ingram didn't have to explain further.

In an attempt to keep the interview proceeding without Phelan becoming worried about being a target, Ingram refocused his interview on the JFK movie and its claims that Clay Shaw conspired with Oswald and others to assassinate President Kennedy and that Phelan's articles about Jim Garrison and Shaw clearly were the work of a master investigative reporter, ie., James Phelan.

Phelan then volunteered that he had testified as a defense witness at Clay Shaw's trial in New Orleans. Phelan then gave a detailed story as to how Garrison was mentally ill and had used the District Attorney's Office to wrongly accused Shaw of conspiring to assassinate the President. Phelan stated that his wife was a clinical psychologist and agreed with him that Garrison was truly crazy. Phelan stated that he was told that his testimony was the most important testimony that the jury heard and, because of it, they acquitted Shaw of all charges. Phelan constantly praised

his investigative techniques as getting to the truth of the matter that he had proved that Shaw was not guilty. He constantly belittled Garrison's investigation throughout the interview and failed to ever state that Garrison had correctly done anything in Garrison's investigation.

Phelan stated that JFK director Oliver Stone is "just as bad" as Garrison and cited several examples of Stone's distortion of the truth. For example, Phelan stated that the character in the film whom Stone calls Willie O'Keefe is really Perry Russo. Phelan stated that Russo was never in jail as Stone purported him to be and that Russo, as Garrison's only "real witness," fabricated the story that he had overheard Shaw, Ferrie and Oswald discussing plans to kill President Kennedy. Phelan stated that it was he who had the evidence that Russo had fabricated the story.

Phelan stated that about two years before Garrison's investigation of Shaw became publicized, Phelan had written a story about Garrison for the Saturday Evening Post. The article was titled "The Vice Man Cometh." Garrison had recently become the District Attorney for New Orleans and had been conducting a high profile clean-up of vice related activities. Phelan stated that Garrison was a very flamboyant character and Phelan thought he would make a good subject for a story. Phelan interviewed Garrison at length, obtained his confidence and subsequently wrote an article that Phelan characterized as funny but a story that Garrison found to be flattering. Phelan stated that Garrison wrongly assumed that he had an ally in Phelan.

Right after Shaw's arrest, "thousands of newsmedia" from around the world travelled to New Orleans to interview Garrison. Garrison contacted Phelan and told Phelan that he was going to give him the exclusive story about his investigation and about the evidence that Garrison had collected to prove that Shaw and others had been involved in a conspiracy to kill President Kennedy.

Garrison told Phelan that he was going to fly to Las Vegas, Nevada and told Phelan to meet him there. Garrison told him to stay in a different hotel so that the other newsmedia would not know he was giving information to Phelan. Phelan stayed in the Dunes Hotel. Garrison stayed in the Sands Hotel.

After three lengthy meetings with Garrison in Las Vegas, Phelan concluded that Garrison was "certifiably insane" and that his conclusions that Shaw had conspired with Ferrie and Oswald were absurd. Phelan stated that Garrison's theory was that six homosexuals had murdered Kennedy as part of a "thrill killing." Phelan told Garrison that he would never print Garrison's story in the Saturday Evening Post.

Phelan stated that Garrison acted surprised because Phelan obviously didn't understand and didn't agree with Garrison's conclusions. Phelan stated that Garrison then stood up and walked over to where a special delivery envelope was laying in the hotel room. Garrison opened the envelope, removed two documents and told Phelan, "This is my secret informant. This is my whole case."

Garrison gave the two documents to Phelan and said that his secret witness was Perry Russo. Garrison stated that after Russo heard of Garrison's investigation, Russo contacted Garrison and told him that he knew about Shaw, Ferrie and Oswald's involvement in the conspiracy.

Garrison then gave the documents to Phelan and told him to read the documents that night and then to return the documents to him the following day. Phelan stated that Garrison never told him that he could or couldn't copy the documents. Copying of the documents was never discussed.

Phelan took the documents and returned to his hotel. He said that he read and reread the documents. The first document, which contained 3500 words, was written by one of Garrison's assistants, Andrew Sciambra. Sciambra always used the nick name of "Moo Moo."

Phelan stated that the first document indicated that Sciambra had travelled to Baton Rouge and had interviewed Russo. Phelan stated that the document stated that Russo only stated that he had seen Shaw twice. The document never indicated that Russo had ever met Shaw, Ferrie or Oswald.

Two days after Russo's interview in Baton Rouge, Russo came to New Orleans, was hypnotized, given sodium pentathol (commonly called truth serum) by Sciambra and then was interviewed. The second document was a transcript, prepared by a secretary, of this interview. Phelan stated that, in his opinion, Russo "came up" with the Shaw-Ferrie-Oswald association theory in the second document after the interviewer suggested the senario to him during the interview.

Phelan stated that after reading and rereading these two documents he concluded that Garrison must be crazy to think that he could prove his conspiracy theory against Shaw and the others based on a large part on the results of these two interviews. Phelan stated that he couldn't sleep the entire night.

(Note: For some reason, Phelan never realized the obvious inconsistancy in his theory, ie, that Russo had previously phoned Garrison BEFORE his first interview by Sciambra and had told Garrison about the Shaw-Ferrie-Russo

connection. Ingram didn't confront Phelan with inconsistency so because the interview was still in the "soft ball" stage).

Phelan stated that he then phoned McKinley at the Saturday Evening Post and told him why he was in Las Vegas. He told McKinley that he had concluded, after interviewing Garrison and after reading the documents, that Garrison was a fraud. McKinley told Phelan to not challenge Garrison about his conclusions.

Phelan made a photocopy of the two documents the next morning and returned the originals to Garrison. Phelan purposefully did not tell Garrison that he had copied the documents. Phelan followed McKinley's instructions and didn't challenge Garrison.

Phelan then waited for Russo to testify at Shaw's trial before he told anyone else about his conclusions. After Russo testified at Shaw's trial, Phelan phoned Garrison and told him that Garrison had a big problem. Garrison told him to come to his home. Phelan took a cab to Garrison's home.

Phelan stated that he told Garrison that Russo was a "suggestable witness" who had been told what to say by Garrison's people. Phelan told Garrison that he had made a copy of the two documents Garrison had given him in Las Vegas and had them in a vault. Phelan told Garrison that the documents proved Russo's allegations false. Phelan stated that he told Garrison that the first time Sciambra interviewed Russo that Russo only said that he had seen Shaw twice and that Russo never said that he had ever seen Shaw, Ferrie and Oswald together talking about killing President Kennedy. Phelan told Garrison that Russo only remembered seeing Shaw, Ferrie and Oswald during his second interview which was conducted under hypnosis and the effects of sodium pentathol. Phelan told Garrison that he was going to write a story and expose the whole fabrication of the Russo story.

Phelan stated that Garrison's jaw dropped and Garrison replied, "I better get Moo Moo out here to explain it." Phelan stated that Garrison acted stunned as if Garrison had never actually read the first document.

Sciambra came to Garrison's home. Phelan confronted Sciambra about his first interview of Russo and the fact that Russo never talked about seeing Shaw, Ferrie and Oswald together and that Russo never talked about overhearing the three talking about assassinating President Kennedy.

Sciambra told Phelan that he was "full of shit." Phelan then informed Sciambra that Phelan had a copy of both of Russo's interviews and challenged Sciambra to a bet as to whether he or Phelan was accurately remembering the contents



of the documents. Phelan stated that he told Sciambra that he would quit his job with the Saturday Evening Post if the first document mentioned Russo seeing Shaw, Ferrie and Oswald together. Phelan then bet Sciambra that if the document didn't mention this that Sciambra would have to quit working for the District Attorney's Office.

Sciambra stated that during the first interview, Russo stated that he had observed Shaw, Ferrie and Oswald together and had overheard them talking about killing President Kennedy. However, when Sciambra wrote the report, he simply forgot to include that information. Phelan stated that he didn't believe Sciambra story and told Sciambra and Garrison that he was going to expose the matter.

During the interview, Phelan frequently quoted from a book that he had written that dealt with the Garrison-Sciambra incident. Ingram formed the opinion that he did this to "prove" his assertions true because they were written in a book. The book is titled "Scandals, Scamps and Scoundrels." The book was published by Random House and, according to Phelan, is no longer in print.

Phelan stated that Bill Gurvich then drove him back to his hotel and accompanied him to his room. Phelan stated that Gurvich was a very good private investigator who had volunteered to assist Garrison in his investigation. Gurvich performed his investigative services for free. After Phelan informed Gurvich of Phelan's conclusions, Gurvich stated, "Holy shit. Russo is our only witness. Moo Moo is a liar."

(Note: Phelan never described Gurvich's background to Ingram. He never indicated that Gurvich had previously worked for any federal, state or local law enforcement agency as is common for private investigators. It's highly unlikely that a private investigator would donate his services for free unless someone else was secretly funding him).

Phelan stated that shortly after this, Gurvich publicly denounced Garrison's investigation. Gurvich then went and spoke with Bobby Kennedy and told him that "Garrison had nothing to prove anything" other than what the Warren Commission had already proved.

Phelan then wrote the story he had threatened to write. The story was carried in the Saturday Evening Post and portrayed Garrison as having conducted an inept investigation of the assassination and having conducted a highly flawed prosecution of Shaw.

After the story was published in May or June of 1967, Garrison accused Phelan of being a Judas who had been paid



off to do him and his investigation in.

Phelan stated that he also testified as a defense witness at Shaw's trial. When Ingram questioned him as to whether or not he contacted the defense or whether they contacted him first, he hesitated and thought about the question. Ingram had to ask it a second time before Phelan answered that the defense contacted him after they read his article critical of Garrison in the Saturday Evening Post.

Phelan stated that his testimony contradicted Russo's. Phelan stated that because Russo was the only witness to testify that he observed Shaw together with Oswald and Ferrie and because Russo was the only witness to testify that he overheard the three talking about killing Kennedy, once Phelan testified that Garrison's document concerning Russo's first interview omitted these facts and that in Phelan opinion, Sciambra failed to include that information because Russo never said it during the interview, the case against Shaw fell apart. Phelan repeatedly told Ingram that he was the most important witness for the defense and that if he hadn't testified for the defense, Shaw probably would have been convicted. Phelan told Ingram that some of the members of the jury told him this as well.

Phelan stated that Garrison then threatened to take Phelan before the Grand Jury to question him about the accuracy of his story and then to indict him if he testified differently.

At about this time, NBC hired Phelan to write a "White Paper" investigation of Garrison. Because Garrison had already indicted two or three reporters for perjury, Phelan stated that he was reluctant to travel to New Orleans to conduct additional investigation. Phelan stated that he phoned his attorney and was advised to stay out of Garrison's jurisdiction. However, Phelan decided to return to New Orleans.

Phelan then went to see a good friend of Garrison's who ran a Bourbon Street bar. Phelan told the friend to tell Garrison that Phelan was staying in the Royal Orleans Hotel and that if Garrison wanted to subpoena him he could find him there. Garrison never subpoenaed him to the Grand Jury.

Phelan stated that Garrison electronically bugged Perry Russo's living room in an attempt to obtain evidence that Phelan was tampering with a witness and to prove the CIA was involved in the assassination.

Ingram asked Phelan about connections between Guy Bannister, Ferrie and Oswald. He stated that Bannister and Ferrie were definitely connected and that Oswald was

definitely connected to Bannister. Bannister was a former FBI agent and New Orleans private investigator.

Phelan stated that Ramsey Clark, the U.S. Attorney General, later told the press that the FBI had investigated Shaw and had cleared him. Phelan stated that this was not true because he knew that the FBI had never investigated Shaw. Phelan then started to tell Ingram that he had phoned an FBI Agent that he knew to ask him why Clark had made the statement. Phelan then hesitated, and corrected himself by saying that it wasn't an FBI Agent he called. He then told Ingram that he phoned "some guy" he knew in Justice and had asked "this guy" about Clark's statements.

Phelan stated that the Justice "guy" told Phelan, "off the record," that Clark was a dummy and that Clark had actually meant to say was that the FBI hadn't found Clay "Bertrand" rather than Clay "Shaw." Clark had simply mixed up the names Clay Shaw and Clay Bertrand. Phelan stated that Clark later attempted to clear up his mistake but, in the process, made statements that conspiracy buffs still use to prove that the FBI had in fact investigated Shaw.

Phelan stated that several witnesses testified that Clay Shaw used the alias of Clay Bertrand. Thus, Garrison's proof of this was also critical to convicting Shaw. One of the witnesses was the hostess at the Airport Lounge in New Orleans. She testified that Clay Shaw signed the name Clay Bertrand to some type of check. Phelan stated that Stone omitted this from the JFK movie.

Phelan stated that in his opinion, it's not believable for Shaw to have used Bertrand as an alias. (Phelan didn't seem to understand that closet homosexuals, such as Shaw, frequently attempt to hide their true identity when in public and when it's in their interest to do so). Phelan gave Ingram no other explanation as to several witnesses who identified Shaw as the same person that used the name "Clay Bertrand." Phelan could not explain why the police officer who booked Shaw into custody after his arrest typed Bertrand in the space for alias. Ingram asked Phelan if any type of scientific analysis was ever performed on the booking form to determine if Bertrand was typed in during the booking process by the same typewriter using the same ribbon, etc., however, he said that no tests were ever conducted.

Ingram then decided that it was the appropriate time to begin the "hard ball" confrontation portion of Phelan's interview. Ingram showed Phelan a photocopy of an article that appeared in the Saturday Evening Post in mid-March 1964. The article was written by Phelan and has a photograph of L. Ron Hubbard and a photograph of a U. S. Marshal with the following caption: "U.S. Marshal removes E-meters from the

Scientology org after Washington raid." The title of the story stated, "HAVE YOU EVER BEEN A BOO-HOO?"

Upon seeing the article Phelan stated that Hubbard was really a kook. Phelan then started describing his interview of Hubbard without any questions being asked by Ingram.

Phelan stated that Hubbard's name had been in the news quite a lot during that time period because of an FDA raid in Washington, D.C. Phelan stated that the FDA raid was regarding the use of E-meters by Scientologists practicing Dianetics. Phelan stated that he also wanted to interview Hubbard regarding allegations that Scientologists were practicing medicine without a license.

Phelan contacted Hubbard and asked if he could interview him. Hubbard told Phelan that a lot of reporters were writing stories about him but that Phelan was the major reporter who had ever asked to interview him. Hubbard consented to being interviewed.

Phelan flew to England, took a train to East Grinstead in Sussex. Phelan stated that Hubbard had arranged for a chauffeur driven Bentley automobile to pick him up at the train station and drive him to Hubbard's estate. Phelan stated that Hubbard lived in an beautiful English mansion that had once belonged to the Maharaja of Jaipur. Phelan stated that the mansion was located 40 miles south of London.

Phelan then described several of the incidents that were contained in the article. He did this from memory.

Phelan stated that he interviewed Hubbard for two days and thought that Hubbard's ideas about Dianetics were very foolish. Phelan then bragged about how he gotten Hubbard to open up to him during the interview. Phelan stated that during the first day, he asked very complimentary type of questions of Hubbard and that Hubbard opened up to him. Phelan described these questions as being soft ball type questions.

Phelan stated that during the second day of interviews, he started asking hard ball type of questions. Phelan stated that he showed Hubbard a Scientology pamphlet that he had brought with him. The pamphlet described the boo-hoo clam like animal that marked the transition from life in the sea to life on land. Phelan asked Hubbard to describe the boo-hoo. Phelan stated that Hubbard was unable to explain the boo-hoo to Phelan's satisfaction.

Phelan then asked Hubbard why he had been married three times if Dianetics was supposed to help families stay together. Phelan stated that when he asked this question,

Hubbard realized that Phelan wasn't there to do a favorable article about him and asked him to leave.

Ingram then asked Phelan for the name of the person who had assigned him to write the Saturday Evening Post story about Hubbard. Phelan stated that, because it was so long ago, he couldn't recall. However, when he was describing the interview of Hubbard, he vividly recalled numerous minor details about Hubbard, the mansion and even the type of buckles on Hubbard's butler's shoes.

Ingram then asked if he had ever been assigned to write a story on behalf of the FBI, CIA or FDA. Ingram reminded Phelan about the previously mentioned FBI documents that identified reporters Ralph McGill and Harold Martin. Phelan answered that that had never happened. He then stated that the previously mentioned incident regarding J. Edgar Hoover and Dr. Martin Luther King was the closest he had ever come to being approached to assist the government.

Ingram asked Phelan if he thought that he had unknowingly been used to write a story or interview anyone by his superiors at the Saturday Evening Post on behalf of the CIA, FBI or FDA. He answered that never happened to him and told Ingram that he felt uncomfortable with the type of questions Ingram was then asking. Phelan stated that he felt that he didn't know who Ingram's client was or why Ingram was even interviewing him. He stated that Ingram's questions had now turned accusatory and felt that he might be the target of some type of investigation.

Ingram then showed Phelan a photocopy of a letter dated September 10, 1963. (addendum #5). The letter is typed on Saturday Evening Post letterhead and is from Steven M. Spencer to Mr. Gilbert Goldhammer, at the Food and Drug Administration in Washington, D.C. The letter was obtained from the FDA under the Freedom of Information Act and portions had been vetted prior to its FOIA release. The letter states in-part as follows:

"Dear Mr. Goldhammer:

"We have recently received a letter with a number of enclosures from (portion vetted) complaining about the activities of the "scientology group" in Florida. (portion vetted) says that the United States government has officially requested him to assist in building a criminal case against L. Ron Hubbard and the cult through Inspector Haley, Chief of the Miami Division of the FDA. "I have gareed to assist," (portion vetted) says, "with the proviso that, if I can secure a sponsor to finance the complete project privately, evidence and competent witnesses will be delivered to Food & Drug to suuport the charge of practicing medicine without a

licence."

"I called (portion vetted), director of the department of investigation of the American Medical Association in Chicago, with whom (portion vetted) had also corresponded, and he suggested that I get in touch with you concerning the pending case on the seizure of the "E-Meters" used by the scientology group.

"Can you give me any information as to the progress of this case, and whether or not we could see you and your associates in developing an article on the dianetics people?"

Phelan read the letter very slowly and appeared to become very nervous. He then stated that he didn't know Steven Spencer and didn't know anything about the letter. Without being asked a question, Phelan started talking about Don McKinney. Phelan stated that McKenney formerly worked at True Magazine and had assigned Phelan 40 or 50 stories to write which were subsequently published in True Magazine. McKenney then began working at the Saturday Evening Post and gave Phelan his first assignment at the Post.

Phelan stated that his first Post assignment was for Phelan to write a story about Howard Hughes. McKenney then assigned him to write a story about how an Air Force officer at Mount Home, Idaho was framed on murder charges by the Air Force Office of Special Investigations. Phelan stated that as soon as his story was published in the Saturday Evening Post the Air Force immediately released the officer from custody. He said that the head of the OSI complained the Phelan's story had cost his budget \$500,000.00. Phelan then stated that was an example of the type of relationship he had with the U.S. Government.

Ingram then asked Phelan if he had ever been asked by anyone in the government to furnish either his notes about a story or interview notes he made during a story to them prior to the story being printed. He said that had never happened.

Ingram then asked Phelan if he had ever furnished the transcripts of his interview of L. Ron Hubbard to the FDA prior to the Saturday Evening Post story being published. Phelan answered that that had absolutely never happened. He then began to ask Ingram why Ingram would even ask such a question about his integrity. Ingram then handed Phelan three documents that had been released via the FIOA. All of the documents had been partially vetted prior to their being released via FOIA.

The first document is on United States Government letterhead. The letter is dated March 4, 1964. (addendum #6). The letter states in part as follows:



"TO: LOS ANGELES DISTRICT

FROM: Division of Case Supervision  
Bureau of Regulatory Compliance

SUBJECT: 4-093 V  
Hubbard E. Meter  
FDC 48406

Founding Church of Scientology, Inc  
Washington, D.C.

"A writer for the Saturday Evening Post will publish an article on L. Ron Hubbard and the E Meter, probably in the March 17 issue. He is (large portion is vetted)

"In connection with his research, he had a seven-hour taped interview with L. Ron Hubbard, Sr., in England which Hubbard had transcribed for him. He has agreed to lend the transcript to us for review. He will be at the above address for a few days about the middle of March. We would appreciate it if you would make arrangement to pick up the transcript at that time (it weighs about five pounds) and forward it here for review..."

The second document (addendum #7) is a copy of the above letter without the letterhead. This document indicates that the letter is from "W.N. Swain"

The third document (addendum #8) is a copy of a letter to the Director of the Los Angeles District of the FDA from an Inspector, Los Angeles District of the FDA. The letter is dated March 17, 1964 and is regarding a transcript of interview between Phelan and L. Ron Hubbard, Sr., the Founding Church of Scientology in Washington, D.C. and the Hubbard E Meter. The letter states in part as follows:

"On this date a visit was made to the home of Mr. (portion vetted) writer of the Saturday Evening Post article on Scientology, in accordance with DOS/LA Memo, 3-4-64 written by (portion vetted)

"Mr. (portion vetted) stated that it was his understanding that FDA would send someone to review the transcript and make notes at his (Phelan's) home. The Post and Phelan anticipate a possible lawsuit because of the article and would have to base most of their defense on this transcript. (portion vetted) was therefore extremely reluctant to have the transcript sent to Washington. He was willing to loan it to us for the day in order to have copies made or extractions by someone as the L.A. office, with the understanding that the transcript would be returned on



3-18-64.

"After discussing the arrangements with the Chief Inspector and a subsequent telephone conversation between the Chief Inspector and Mr. (portion vetted) in Washington, it was decided to have the transcript photocopied and personally returned to Mr. Phelan on 3-18-64.

"...encl: cc this memo w/ 202 page copy of original tape transcription"

As Phelan read the three documents he started breathing very heavily and started making some type of moaning sounds. He then grabbed one arm and stroked it. Ingram deduced that Phelan was under an extreme amount of stress.

Ingram asked Phelan why his name was on the government letters if he hadn't in fact released the transcripts of his interview with Hubbard prior to his story being published. Phelan kept staring at the documents and continued breathing loud and hard. Finally, after about five minutes of silence, Phelan composed himself long enough to begin to answer.

Phelan then stated that the letter (addenda #6) was inaccurate because it said that Hubbard had transcribed the seven hour tape for Phelan. Phelan said that wasn't true because Hubbard would never have done this for Phelan after Phelan had asked him "hard ball" type of questions. Phelan then said the letter also says the transcript weighs about five pounds and then attempted to show that five pounds couldn't be accurate.

Ingram then pointed out Phelan's name on the documents and asked him for the truth as to whether or not he had furnished the transcripts of his tape recorded interview with Hubbard to the FDA, who was investigating Hubbard, Scientology and Dianetics, prior to Phelan's story being published by the FDA. The only answer that Phelan could give was that he had a very bad memory. Ingram then pointed out that Phelan had impressed Ingram with his amazing feats of memory during the long interview.

At that time Mrs. Phelan walked into the living room, and in Ingram's opinion, attempted to stall Ingram from asking anymore questions by interjecting Mrs. Phelan into the interview. Ingram immediately explained the investigation to Mrs. Phelan and remarked about what an excellent memory her husband had. Before he could stop her from answering Ingram, Mrs. Phelan stated that her husband has an excellent memory and that "everyone" always complements him on his memory.

Phelan remained very nervous during the remainder of

the interview. He attempted to pump Ingram for information about the reason for the investigation, about the identity of Ingram's client and whether or not he was a target of an investigation.

It appeared obvious to Ingram that Phelan had lied to Ingram when he told Ingram that he had not furnished the Hubbard transcript to the government. In addition, based on the totality of the interview and the various documents obtained via FOIA, it appeared to Ingram that the Saturday Evening Post and some of its reporters, including James Phelan, have willingly cooperated in secret counterintelligence operations on behalf of government agencies as far back as 1963.

In addition, it appears to Ingram that Phelan may have knowingly been used by either the CIA or FBI to sabotage Jim Garrison's criminal prosecution of Clay Shaw for conspiracy to assassinate President Kennedy when he testified to his conclusions about the credibility of Garrison's investigation and to his conclusions about the truthfulness of Perry Russo, Garrison's chief witness for the prosecution.

Just prior to Ingram terminating the interview, Phelan asked Ingram on two separate occasions if Ingram was "wired." Ingram told him that he wasn't wired. Phelan then told Ingram that Ingram could probably tell that Ingram's questions had made him very nervous because it was Phelan who was then trying to ask the questions rather than Ingram. Ingram asked Phelan how it felt to have someone turn a "soft ball" interview of him into a "hard ball" interview, just like he had done to Hubbard. Phelan got even more nervous. Ingram then thanked Phelan, collected his document and left the home.

END OF INTERVIEW DEBRIEF

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For Lead file

Vietnam against North Vietnam. The American military had long years of fighting ahead to conquer South Vietnam as well as deal with the implications of its air and artillery war against the North. When I pointed out that this was certainly not the point of view expressed by the State Department he quickly replied, "Of course not, but the military know it. Westmoreland is screaming for men. He feels very much overextended."

At the last luncheon I also spoke of the effect of the M-16 rifle. Fall showed me a communication from MAC V (the U.S. Military Command Headquarters) written in reply to his request to take M-16 rifle drill. The military had agreed and were setting up the time. His interest in the M-16 was his belief that it also violated the Geneva protocols on the use of "dumdum" type bullets. Fall spoke of the bullet shattering on impact, causing massive tissue damage. I showed him a story which appeared in the Saigon Daily News of December 20, 1966, quoting a U.S. Army doctor who spoke of the surgical difficulties in treating GI's who had been hit by Vietcong using captured M-16s. Fall was much interested and carefully noted the date and source of the story.

Along this same line, Fall also told of the destruction of a hospital at Ben Suc, another clear Geneva violation. "I raised the question with the Commanding Officer. His tongue in cheek reply was, 'Hospital? What hospital? Yes, perhaps it was a hospital, but after the supplies and equipment were removed it was just a building, so we destroyed it.'"

Perhaps Fall was chasing a will o' the wisp in recalling signed agreements about past efforts to civilize war. Yet one sensed in Fall that for him this effort did two important things. First it attempted to recall to Americans the humanity of the enemy. We were still dealing with human beings, after all. It was also an effort to correct American cavalier attitudes toward international agreements with perhaps a glance at the Geneva accords which stopped the war in 1954.

We had another interesting interchange about correspondents going about armed. I had asked how correspondents could claim objectivity when they went about in uniform, in many

cases carrying weapons and sometimes employing them. I chided Fall a bit on this as I knew he did the same.

"First of all," he responded, "your civilian clothes wouldn't last a day in the bush. Secondly, if you were captured in civilian clothing you might be shot as a spy. In uniform you have 'Press' over the right breast pocket and the name of your paper over the left. Then the Vietcong at least know what classification to put you in."

I asked how he could square being such a critic of American policy in Vietnam with his own shooting at the Vietcong. "Well, in an ambush, for example, they don't know I am a correspondent, let alone which one. I figure they have the right to shoot at me, but I certainly have the right to defend myself." No doubt it was all part of Fall's basic feeling that you could not fully understand the war without being in it. He certainly spoke with pleasure at the unique position he occupied: being both a frequent lecturer at the U.S. National War College and one of the ablest critics of the war.

But beneath his interest in things military, and under the layer of cynicism that all good international correspondents use to shield their struggle for some semblance of objectivity, Fall was deeply touched by the Vietnamese war. During our meeting he spoke of interviewing a Vietcong prisoner who had been fighting continually for thirteen years. This particular one, a captain, had an advanced degree in physics and mathematics and he and Fall had reminisced together about the earlier years of the war. Victory or defeat no longer seemed to concern this captain, nor even a life that might have been. All that seemed left was the attitude exemplified by his final words to Fall. "We will all die, but we will not surrender."

Fall spoke of walking among the Vietcong dead, many of whom were young girls. He spoke of one about eighteen years old who had been carrying a love letter in her pack. Finally Fall described a death tableau which he said was "one of the most poignant moments for me in this war. Some nervous and trigger-happy GI had suddenly come upon a young Vietnamese couple out taking a walk. The GI had promptly opened fire. I looked down

at them. They were holding hands in death."

We parted company in front of the restaurant. He walked off to keep his appointment on the M-16 check-out. Beneath that brisk confidence and knowledge about his own competence with respect to Vietnam lay a real love of the country. Fall knew Vietnam was dying and he was fighting American policy in his own way. A few weeks later he was killed by a land mine in the Vietnam countryside. He deserved to see the outcome of the war: The "victory of the graveyard"—or dare we hope that the United States will come to its senses before it is too late?

?

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**The Progressive**  
Madison, Wisconsin 53703

replied  
76 Aug 4

2820 Devonshire Place, N.W.  
Washington 8, D.C.  
May 15, 1967.

Mr. James Garrison, District Attorney,  
2700 Tulane Avenue,  
New Orleans, Louisiana.

Dear District Attorney Garrison:

I have for some time been quite interested in the continuing Kennedy assassination controversy, and in your investigation of it. I feel quite strongly about this, though not because of any particular affection for the late president, and you have my wholehearted support in your efforts.

Several months ago, as a private citizen and quite on my own, because of my dissatisfaction with some of the things I found in the Warren Report, I began doing some research, most of it concentrated on searching through city directories and phone books. I found material in direct contradiction to what was published in the Warren Report, and I found other things that seemed most odd to me, and, at the least, too coincidental.

Last week, after reading the newspaper stories concerning the Oswald-Shaw-Ruby number code, I felt that you were moving close to the names-and-addresses area of my own research. I decided to write, and this afternoon inquired at Senator Long's office for your address.

The accompanying material may be totally unimportant, and may have no bearing whatsoever on your investigation. However, rather than making that assumption myself, I am sending it to you. All of it can be verified, and could possibly provide leads in other directions. Some of it, I'm sure, is honestly coincidental. But it does contain names which, to the best of my knowledge, have not been mentioned so far.

Keep up the good work and don't let them get you down!

Thanking you for your consideration, I remain,

Most sincerely,

*Frank W. Greene*  
Frank W. Greene

Columbia 5-2076.

P.S. I request that I be treated as a confidential source.



- I
1. From the Warren Report, Appendix 12:

"Hidell was a favorite alias used by Oswald on a number of occasions. Diligent search has failed to reveal any person in Dallas or New Orleans by that name. It was merely a creation for his own purpose."

The 1963 Dallas city and telephone directories list three individuals named Hidell (Mrs. William Hidell, a widow, and at another address William Hidell, Jr. and his wife), plus a "Hidell Hardware Company." All were still listed in 1966.

2. Richard Popkin's "The Second Oswald" states, without giving any name, that Oswald, when arrested, had on him a salary stub from the American Bakery Company, Dallas, made out to someone who had lived at a former Oswald address, and dated August 1960, a period when Oswald was in Russia.

The 1962 Dallas city directory lists a James Jackson, employed by American Bakery Company, at 214 West Neely Street. Oswald lived here in March and April, 1963. No mention of salary stub or Jackson in Warren Report.

3. Oswald's cab driver was the late William Wayne Whaley.

In 1963, a Wyatt W. Whaley is listed as an employee of Jagers-Chiles-Stovall.

4. The 1962 Fort Worth city directory lists an O.H. Lee at 1715 S. Riverside Drive. O.H. Lee's wife is Nona M. Lee. (Oswald's wife Marina N.).

II

5. The following is a seven-year listing, ending in 1963, for Jack Ruby taken from the Dallas city directories. Some of the other names could, of course, be listed at Ruby addresses through overlapping, having lived there after Ruby moved. If this is not the case, then Ruby knew them and lived with them.

- 1956: Ruby listed at 3927 Cole Avenue, Apt. B.
- 1957: Ruby listed at above address. Under street listing, however, the apartment's occupant is Noble McKinsie. McKinsie at this address under name listing, and identified as office worker, Amon Carter Airport.
- 1958: Ruby listed at 4156 Hawthorne.
- 1959: Ruby at 4156 Hawthorne. Under street listing, occupant is listed as Johnny Meyers. Under name listing, Meyers occupation given as salesman, Petroleum Heat Company.
- 1960: Two addresses given for Ruby. Listed as residing as 4156 Hawthorne, and as the householder at 4727 Homer Avenue, Apt. 105. Under street listing, occupant at 4156 Hawthorne is Mrs. Patricia K. Haigh. Occupation given as dental assistant to Dr. John L. Mitchell.
- 1962: Ruby listed at two addresses. Listed at 3929 Rawlins, address of sister, Eva Grant. Second listing is at 4806 $\frac{1}{2}$  Bryan, but under street listing name of occupant is Jack Fisher.\*
- 1963: Two addresses. Listed at 3929 Rawlins and 500 S. Marsalis.

\*'Jack Fisher' could, of course, have been a Ruby alias. And by a curious coincidence, "Jack Fisher's Drive-In Grocery" is listed in 1963 at 1026 S. Beckley, and Oswald lived at 1026 S. Beckley. In 1964, "Jack Fisher's Drive-In Grocery" was no longer in business. This probably means nothing, but it was hard to ignore.



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

CLAY L. SHAW	:	CIVIL ACTION
versus	:	NO. 70-466
JIM GARRISON, ET AL	:	SECTION "B"

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MEMORANDUM IN BEHALF OF DEFENDANTS  
RAULT AND ROBERTSON ON STATE LAW OF  
SURVIVORSHIP AND FEDERAL COMMON LAW

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May It Please The Court:

This Court has determined in its minute entry of December 3, 1974, that the captioned "pending action would abate under Louisiana law", and that this "result appears to be required because no representative of the three classes of beneficiaries designated under Art. 2315 has survived".

The Court has expressed some question, however, whether it is bound by Louisiana law, or "whether this Court can, and should, apply a federal common law of survival of civil rights actions, notwithstanding the lack of survival under state law".

First, it should be emphasized that, under the law of Louisiana, there is no "lack of survival" of personal-injury actions such as the instant one. To the contrary, the Louisiana Code -- like the statutes of almost all states -- expressly provides for the survival of such actions. However, the law of Louisiana -- again like the law of almost every other state of the Union -- recognizes that the right to pursue such an action, the right to recover for the personal injuries sustained by the deceased, should be limited to certain specific, designated beneficiaries having a kinship or marital relationship to the deceased.

In response to the specific question of the Court, it is submitted that it neither can, nor should, apply "a federal common law of survival" in this

civil rights action. To do so would be in derogation of the express and very specific dictates of the Civil Rights Act itself.

Section 1988 of the Civil Rights Act very clearly spells out the course of action which must be followed by the courts in such situations as that which now confronts the Court. Congress, in its wisdom in formulating the applicable legislative policy for civil rights, commanded that:

"The jurisdiction in civil and criminal matters conferred on the district courts . . . shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they [the law of the United States] are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, . . . the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil . . . cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, SHALL BE EXTENDED TO AND GOVERN THE SAID COURTS IN THE TRIAL AND DISPOSITION OF THE CAUSE . . ." (Emphases added).

The Court of Appeals for the Fifth Circuit, in Brazier vs Cherry, 293 F2d 401, 405 (CA 5-1961), succinctly held that "we are of the clear view that Congress adopted as federal law the currently effective state law on the general right of survival. This was done by § 1988."<sup>1/</sup>

After thorough review of other areas in which Congress has adopted state law, and careful analytical dissection of § 1988 and the Civil Rights Act as a whole insofar as survivorship is concerned, the Court of Appeals expressly held:

"On our analysis federal law is not suitable, i.e., sufficient, since it leaves a gap for death in a substantive policy making no distinction between violent injuries and violent death. Since the federal statutory framework is, in the words of this statute, 'deficient in the provisions necessary to furnish suitable remedies and punish offenses against that law and policy, the state law is to be used to the extent that it

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<sup>1/</sup> The Eighth Circuit, in Pritchard vs Smith, 289 F2d 153, 157 (CA 8-1961), also held: "It appears to us that Congress by the language we have italicized in § 1988 intended to enlarge the civil right remedy by authorizing resort to state law where the state law is not inconsistent with the laws of the United States." The Supreme Court has also recently held that "§ 1988 instructs federal courts as to what law to apply in causes of actions arising under federal civil rights acts". Moor vs County of Alameda, 411 US 693, 703 (1972).

is currently available to overcome these deficiencies."<sup>2/</sup>

In summarizing the "simple, direct, abbreviated test" set out in Section 1988, the Fifth Circuit stated that the Court first looks to "(a) federal law and if it is found wanting the court must look to (b) state law currently in effect".<sup>3/</sup>

It is well established, of course, that a federal district court must follow a decision of its own Court of Appeals. 1B Moore's Federal Practice par. 4.02[1] at p. 61. This Court itself applied that rule in Moses vs Washington Parish School Board, 276 FS 834, 838 (fn. 7) (ED La.-1967), and held that it was bound by the Fifth Circuit's view of the issue there before it. See also Man-ship vs United States, 163 FS 737, 739 (ED La.-1958); Shehee vs Aetna Casualty & Surety Co., 122 FS 1, 7 (WD La.-1954).

Since, as the Fifth Circuit repeatedly noted in Brazier, there is a "gap" in the federal law as to survivorship of a pending civil rights action after the plaintiff's death, and the law is "deficient" in that regard, it must therefore follow that this Court must, under the very language of the Civil Rights Act itself, look to and follow the law of Louisiana in this case.<sup>4/</sup> As previously stated, that law recognizes survival of such an action as the instant one but, as is customary in most all of such survival statutes, only in those

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2/ 293 F2d at p. 408 (Emphasis supplied). In Pritchard, *supra*, the Eighth Circuit also held that "since no federal statute specifically deals with the substantive issue of survival, in the situation here presented no inconsistency results from the application of the state survival law". 289 F2d at p. 157.

3/ 293 F2d at p. 409 (Emphasis supplied). The Eighth Circuit, in Pritchard, *supra*, concluded: "Section 1988 indicates that in situations such as this, resort should be had to state law to provide an appropriate remedy. In the absence of a specific statute, such as § 1988, federal courts have determined the rights of the parties, including the issue of survival, on the basis of state law. We believe that the court should look to the Arkansas law to determine the survival issue here present". 289 F2d at p. 158 (emphasis supplied).

4/ In Holmes vs Silver Cross Hospital of Joliet, Illinois, 340 FS 125, 128-129 (ND Ill.-1972), the court cited with approval, and followed "as controlling", the holding in Brazier that "as a matter of statutory construction of 42 USC §§ 1983 and 1988, state law in relation to survival of actions must be ascertained and adopted as the law governing the issue of survival of a federal rights action in the absence of any specific Congressional enactment on the subject". (Emphasis supplied). See also Evain vs Conlisk, 364 FS 1188 (ND Ill.-1973), *aff'd* 498 F2d 1403 (CA 7-1974) without opinion.

specific survivors having a special blood or marital relationship to the deceased.

Since plaintiff Shaw died leaving no such designated beneficiary, this action under the Civil Rights Act must be held to have abated.

In the alternative, even should this Court possibly conclude that it can, and should, look to the "federal common law" to determine whether this action has survived, it is submitted that the result would be the same -- this action has abated.

It is "hornbook law" that at common law -- whether state or federal -- any action for personal injury did not survive the death of the injured party. "Nothing is better settled than that at common law the right of action for an injury to the person is extinguished by the death of the party injured." Mich. Cent. R. R. vs Vreeland, 227 US 59, 67 (1913).

Thus, the United States Supreme Court has held that "unless this Federal statute [Employers' Liability Act of 1908] which declares the liability here asserted provides that the right of action shall survive the death of the injured employe, it does not pass to his representative, notwithstanding state legislation. The question of survival is not one of procedure, 'but one which depends on the substance of the cause of action.'" <sup>5/</sup>

While Congress has ameliorated the harshness of the federal common law to provide for survival of certain specific personal-injury actions [Federal Employers' Liability Act, Jones Act, Longshoremen's and Harbor Workers' Compensation Act, and Death on the High Seas Act], all of such federal survival statutes, whether relating to wrongful-injury actions or wrongful-death actions, are explicit "in the naming of dependent relatives who may recover and in (providing) the priority given to their claims". Moragne vs States Marine Lines, Inc.,

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5/ Ibid. In Pritchard, supra, the Eighth Circuit stated: "There appears to be no well defined or established federal common law as to the survival of tort actions for the vindication of personal rights." 289 F2d at p. 157.

398 US 375, 407 (1970) (emphasis supplied).<sup>6/</sup>

The United States Supreme Court has expressly held, with respect to a FELA action, that "if the employee leaves no survivors in any of the classes of beneficiaries alternatively designated, it necessarily follows that the personal representative cannot maintain any action to recover damages for the death, since there is no beneficiary in whose behalf such an action can be brought". Lindgren vs United States, 281 US 38, 41 (1930) (emphasis supplied).

In the very recent case of In the Matter of Cambria Steamship Co., supra, fn. 6, the Court of Appeals for the Sixth Circuit, in construing survivorship under federal common law, denied any right of recovery to a non-dependent collateral kin of the decedent and also denied the right of recovery for losses to the estate.

Being the most recent expression of any Circuit Court, and the reasoning of that Court being so cogent to the question presently before this Court, the following excerpts, although somewhat lengthy, are quoted from the opinion:

"None of the federal wrongful death statutes premises recovery on losses sustained by the estate, but each provides a specified list of beneficiaries for whose benefit the action is to be brought. The Supreme Court itself recognized, in reliance upon Speiser, supra, and other sources, that 44 states and territories measure damages by losses sustained by beneficiaries.

"While a few of those jurisdictions measuring damages by loss to beneficiaries permit an action on behalf of the estate where the decedent is not survived by any statutory beneficiaries, and a few other as noted earlier, measure all losses by loss to the estate, the majority do not provide for this type of recovery. Thus, while appellant is not without some authority for the position urged, we hold the better rule to be that the action exists primarily for the benefit of individual beneficiaries, and general losses to the estate are not recoverable. Moragne and Sea-Land Services vs Gaudet speak consistently in terms of dependents:

'In overruling The Harrisburg, Moragne ended these anomalies by the creation of a uniform federal

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<sup>6/</sup> Those beneficiaries are usually the surviving spouse, children, parents, and other dependent next of kin. See Appendix A annexed hereto. Similarly, almost all of the states provide for survival of actions only in favor of such designated dependent spouse or next of kin. In the Matter of Cambria Steamship Co., No. 73-1349-1350, \_\_\_ F2d \_\_\_ (CA 6-Oct. 30, 1974) (Slip Opinion attached hereto as Appendix B).



cause of action for maritime death, designed to extend to the dependents of maritime wrongful-death victims admiralty's 'special solicitude for the welfare of those men who under[take] to venture upon hazardous and unpredictable sea voyages'. Moragne, supra, at 387. Our approach to the resolution of the issue before us must necessarily be consistent with the extension of this 'special solicitude' to the dependents of the seafaring decedent.'

Sea-Land Services vs Gaudet, 414 U.S. at 577.

In our view, the liberal and humanitarian character of maritime proceedings as expressed in Moragne and Gaudet, supra, contemplates solicitude for dependents, not inanimate estates." (Slip Opinion, pp. 9-10).

\* \* \*

"These acts, however, specifically limit recovery to parents, children, spouse or dependent next of kin. Non-dependent collateral relatives are not included.

\* \* \*

"We have, in fact, been shown no case in which a non-dependent collateral relative was awarded damages for this loss.

"We remain unconvinced that the humanitarian principles of maritime law which led the Supreme Court in Sea-Land Services vs Gaudet, supra, to compensate a widow for loss of society, should lead us to hold that a non-dependent and collateral relative should recover for loss of an inheritance, based solely upon his legal relationship to the deceased as next of kin." (Slip Opinion, pp. 11-12).

\* \* \*

"Comfort, companionship and society, recognized in Gaudet, supra, go to the very heart of family life, and their loss by family members is genuinely felt, thus justifying the intervention of the humanitarian maritime law. On the other hand, loss of prospective inheritance by one whose hopes of that inheritance hinge upon the fortuity of a man remaining unmarried and childless throughout his life, is not an injury capable of comparison with the losses sought in Gaudet. The mere accident of blood relationship with nothing more does not itself call for that special solicitude which the maritime law holds for those injured within its jurisdiction." (Slip Opinion, pp. 12-13).

In the present case, Clay Shaw left no surviving spouse, parent, child, brother or sister, or any other dependent kin. To the contrary, his sole resid-  
uary legatee is one Arthur Jefferson Biddison, merely a long-time friend.<sup>7/</sup>

<sup>7/</sup> See certified copies of the Affidavit of Heirship, and Shaw's last will and testament, annexed hereto as Appendix C and Appendix D, respectively.

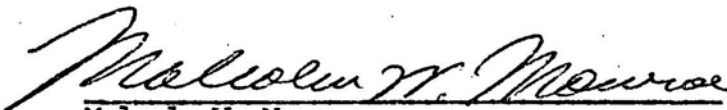


However close that friendship may have been, there is no basis or "special solicitude", and no authority whatever -- in the common law, the federal common law, the Louisiana codal provisions or the federal statutes -- for the extension of survivorship of a pending action for personal injury to such a non-dependent, non-relative of the deceased plaintiff.

To the contrary, both the Legislature of Louisiana, and the Congress of the United States, in the exercise of their respective wisdom, have dictated that such survivorship exists only in favor of specified dependent kin. "The Legislature has the power to decide what the policy of the law shall be, and if it has intimated its will, however indirectly, that will should be recognized and obeyed." Van Beeck vs Sabine Towing Co., 300 US 342, 351 (1937).<sup>8/</sup>

It must accordingly follow that, whether the Court looks to the law of Louisiana -- as defendants submit it must under Section 1988 and the standing holding of the Fifth Circuit in Brazier -- or the federal common law, this action has abated with the death of plaintiff Shaw.

Respectfully,

  
Malcolm W. Monroe  
of  
Deutsch, Kerrigan & Stiles  
4700 One Shell Square  
New Orleans 70139 (581-5141)  
Attorneys for Defendants,  
Joseph M. Rault, Jr. and  
Willard E. Robertson

<sup>8/</sup> In Van Beeck, the Supreme Court recognized that, "there being neither wife nor child nor father, the mother was the sole beneficiary of the statutory cause of action", but also recognized, as federal law, the rule, well-established in the state statutes, that the action, once having devolved on a designated beneficiary, becomes a property right and passes to the estate of that party. In Just vs Chambers, 312 US 383, 391 (1941), the Supreme Court held that, the maritime tort having occurred within state waters, it should apply that state's rule "providing for the survival of a cause of action against a deceased tortfeasor for injuries occurring in navigable waters within the limits of the State". Again, in Cox vs Roth, 348 US 208 (1955), the Supreme Court emphasized that 43 of the states provide for survival of actions against a deceased tortfeasor, and held that since FELA provides for survival of actions against railroads, Congress obviously intended that actions under the Jones Act would survive against tortfeasors. Thus, these cases support, not militate against, defendants' position that the law of Louisiana should be applied in the instant case, and insofar as they are applicable at all, they also support defendants' position that under federal law, a deceased's cause of action devolves on his death only to a designated beneficiary.

Certificate of Service

It is certified that copies of the foregoing memorandum have been served this date on each of the parties herein by mailing same to their respective counsel of record.

New Orleans, December 20, 1974.

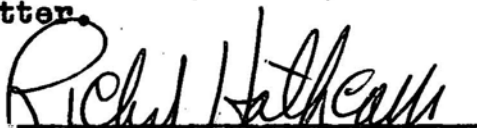
  
Malcolm W. Monroe

9-18-63

I received this date from Lorenzo Hall \$400 as full price for a Bolex motion picture camera equipped with three deluxe lenses, including a telephoto lens. Lorenzo Hall paid by two checks, one drawn on the account of The Committee To Free Cuba, in the amount of \$350, and by another drawn on the account of a resident of LaHabra, in the amount of \$150 (I gave Hall back \$100 from these two checks).

Hall agrees that, should either or both of these checks be no good, or not be paid, his wife, Mrs. Ann Hall, will pay the \$400 to me, plus another \$100 which I would have to return to my bank, totaling the full \$500 which the bank handed over for the checks this date. Hall attests that he and his wife have a joint bank account, and that the money due me would be paid from such funds.

Mrs. Hall works at: Calif. Milling  
L.A. Calif., and Mr. Hall has  
filled in the name and address here, as evidence of  
his good faith in this matter.

  
Richard Hathcock

  
Lorenzo Hall

The House Select  
Committee On Assassinations

# COVER UP

FINALLY, FOR THE FIRST AND ONLY TIME EVER, THE COMPLETE, CHRONOLOGICAL ACCOUNT AND EXPOSE OF HOW AND WHY A UNITED STATES CONGRESSIONAL COMMITTEE, IN GENERAL, AND IT'S CHIEF COUNSEL, ROBERT BLAKEY IN PARTICULAR, CHARGED WITH INVESTIGATING THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY AND DIVULGING ALL OF THE EVIDENCE IT OBTAINED TO THE AMERICAN PEOPLE, COMPLETELY SUPPRESSED-COVERED UP-EVIDENCE OF DIRECT C.I.A. INVOLVEMENT IN THE "CRIME OF THE CENTURY" WHICH WAS SUPPLIED TO CHIEF INVESTIGATOR CLIFFORD FENTON BY JIM GARRISON. THE "FENTON REPORT" IS NOWHERE TO BE FOUND EITHER IN THE 12 VOLUMES OF EVIDENCE RELATING TO THE JFK ASSASSINATION OR IN THE HOUSE SELECT COMMITTEE'S FINAL REPORT. IT WAS, AND REMAINS, "CLASSIFIED" FOR AT LEAST 50 YEARS BY ORDER OF BLAKEY & COMPANY!! ALSO INCLUDED HEREIN ARE TOP SECRET HOUSE RULES COMMITTEE TRANSCRIPTS, UNAVAILABLE TO ANYONE, INCLUDING CONGRESSMEN, HSCA DOCUMENTS, INTERIM REPORTS, THE COMPLETE, INFAMOUS "NON-DISCLOSURE AGREEMENT", NEVER BEFORE PUBLISHED ANYWHERE, LETTERS TO AND FROM THE COMMITTEE AS WELL AS THE MANY VERBATIM CONVERSATIONS THE AUTHOR HAD WITH MEMBERS OF THE HSCA, THEIR INVESTIGATORS, THEIR STAFF, ETC., AS WELL AS WITH FELLOW LONG-TIME RESEARCHERS, ALL DURING THE 2 YEAR TENURE OF THE COMMITTEE'S "INVESTIGATION", ADDITIONALLY, ARTICLES WRITTEN BY THE AUTHOR AND SEVERAL OTHER RESEARCHERS AND MEMBERS OF THE HSCA STAFF PERTAINING TO THE COMMITTEE PROBE.

A TRULY HISTORIC BOOK WHICH BELONGS IN THE HOMES OF EVERY AMERICAN WHOSE THIRST FOR THE TRUTH REMAINS UNQUENCHED, UNTIL NOW, RELATING TO WHO KILLED J.F.K., and why, that INFAMOUS DAY IN AMERICAN HISTORY ... NOVEMBER 22, 1963.

---

TED GANDOLFO

-THIS BOOK IS GRATEFULLY DEDICATED TO-

LIZ STONE, MY FUTURE WIFE. A MOST BEAUTIFUL LADY WHO HAS COME INTO MY LIFE AND INSPIRED ME TO WRITE THIS BOOK, ONE WHICH I HAVE CONTEMPLATED WRITING FOR SEVERAL YEARS NOW. SHE HAS SERVED TO MAKE ME REALIZE A BEAUTY OF SOUL, INTELLIGENCE, DIGNITY, COMPASSION AND TOTAL LOVE WHICH IS, AND WILL FOREVER REMAIN, INCOMPARABLE AND INDESCRIBABLE. IN WRITING THIS BOOK, ALTHOUGH ALONE, I WAS CONSTANTLY WITH HER IN MY THOUGHTS AND EMOTIONS- SHE WAS ALWAYS REALLY THERE, WITH ME, AND INSPIRING ME TO DO MY VERY BEST IN THIS TOME. SHE IS TRULY A MOST INCREDIBLE LADY AND IS SINGULARLY THE VERY BEST LADY I HAVE EVER MET IN MY LIFE. HAVING CONSENTED TO BEING MY WIFE, I HAVE WRITTEN THIS WITH A FEELING OF COMPLETE HAPPINESS AND I WILL ALWAYS BE GREATLY INDEBTED TO HER FOR COMING INTO MY LIFE AND MY HEART AT THE VERY BEST OF POSSIBLE TIMES, TO SHOW ME LOVE AND BEAUTY AND INSPIRATION. THEY SAY THAT BEHIND EVERY GREAT MAN IS A GREAT WOMAN. WELL, THAT IS INDEED PARTIALLY TRUE IN THAT SHE IS THAT GREAT WOMAN, BUT I AM MOST CERTAINLY NOT A GREAT MAN BY ANY MEANS. BUT I THINK YOU GET THE MESSAGE, ALL OF YOU MEN WHO ARE BLESSED WITH HAVING AND SHARING YOUR LOVE WITH SOMEONE WHO LOVES YOU AS WELL. THAT, IT SEEMS TO ME, IS WHAT IT'S ALL ABOUT, IN THE FINAL ANALYSIS. THIS BOOK, THEN, CANNOT BE CALLED AS HAVING BEEN WRITTEN SOLELY BY MYSELF, BUT I LIKE TO THINK OF IT AS HAVING BEEN WRITTEN BY BOTH LIZ AND MYSELF, SINCE, AS I STATED ABOVE, SHE WAS, I FELT, REALLY WITH ME DURING THE WRITING OF IT. I CAN ASSURE YOU ALL THAT IT WAS A MOST INSPIRATIONAL WAY OF TACKLING EVERYTHING WHICH IS ENTAILED IN A PROJECT SUCH AS THIS WAS. AND SO, MY DARLING LIZ, THIS BOOK IS PRIMARILY DEDICATED TO YOU, DEAR HEART, ALTHOUGH ALSO TO OTHERS, MY LONG-TIME COLLEAGUES, ON THE NEXT PAGE. BUT THIS IS YOUR PAGE, DARLING LOVE OF MY LIFE, AND WILL ALWAYS REMAIN SO, AS WILL MY UNDYING LOVE AND AFFECTION FOR YOU. THEREFORE, I SAY THANK YOU, BRIGHT EYES, FOR ALL YOU HAVE DONE IN NOT ONLY ASSISTING ME IN SPIRIT, BUT ALSO IN MAKING THE MANY COPIES REQUIRED FOR MY CUSTOMERS. I KNOW IT MAY SOUND TRITE TO SAY THAT I COULDN'T HAVE DONE IT WITHOUT YOU BUT, IN THIS INSTANCE, THAT IS ENTIRELY TRUE. THANK YOU WITH ALL MY HEART AND ALWAYS KNOW THAT YOU WERE INSTRUMENTAL IN THIS BOOK FINALLY REACHING THE PEOPLE OF THIS COUNTRY. I CAN ASSURE YOU, LIZ, THAT I WILL DO MY VERY BEST TO LIVE UP TO THE IDEALS YOU HAVE SO BEAUTIFULLY INSTILLED IN ME . ALL MY LOVE, ALWAYS, YOUR,

*Red* xxx

-PLEASE TURN PAGE FOR OTHERS I DEDICATE THIS BOOK TO-

THE ASSASSINATION OF JOHN F. KENNEDY...A COMPLETE OVERVIEW

BY TED GANDOLFO.

(PAGE ONE)

In what has been called "The Crime Of The Century", President John F. Kennedy was assassinated in Dallas, Texas, on November 22, 1963, while riding in a motorcade at a place called Dealey Plaza. One week later, the new President Lyndon Johnson, created the Warren Commission to "fully ascertain the truth relating to the assassination of President John F. Kennedy". It is well known that the Commission began its investigation with the preconception that Harvey Oswald was the "lone assassin" and proceeded to build its case solely along these lines and while in that process, it totally ignored and refused to consider ANY evidence which did not conform to that incorrect surmise. Among these elements of evidence not considered was the testimonies of eyewitnesses to the murder, photographic evidence, doctors' evaluations of the wounds to JFK, etc. Thereupon, on September 24, 1964, the commission issued its findings, i.e. their preconceptions that a single acting ~~assassin~~ totally alone had murdered the president, wounded John Connally, and had fired the only three shots fired that day. Thereafter, books which were highly critical to the commission's findings began to appear, most notably Sylvia Meagher's "Accessories After the Fact", Mark Lane's "Rush To Judgment", Harold Weisberg's "Whitewash", E. J. Connelley's "Inquest", and Josiah Thompson's "Six Seconds In Dallas". Through these books came the information that was completely suppressed by the commission: that it had concluded that all three shots fired at the president were fired from the 6th floor of the Texas School Book Depository building located at the motorcade. Among this information was the following:

- a) Of the 92 eyewitnesses in Dealey Plaza, more than 50 of them were of the definite opinion that the fatal shot was fired from behind a wooden fence atop a grassy knoll which was located to the right of the presidential limousine.



<sup>42</sup>"The Assassination of President Kennedy - Declassification of Relevant Documents from the National Archives," R.E. Sprague, Computers & Automation magazine, October 1971.

<sup>43</sup>"Rush to Judgement," Mark Lane Holt Rinehart & Winston 1966.

<sup>44</sup>CE 237 - Unidentified Man File and Photographic File - CTIA

<sup>45</sup>CTIA Records of Declassified Warren Commission Documents

OFFICE OF THE DISTRICT ATTORNEY  
PARISH OF ORLEANS  
STATE OF LOUISIANA

*Extra  
(total  
disturb?)*

February 28, 1967

STATEMENT OF:       MRS. CORRINE VERGES VILLARD  
  
RESIDING:             813 NORTH RAILROAD AVENUE  
                      MORGAN CITY, LOUISIANA  
  
TELEPHONE:            459-2980  
-----

On Thursday, November 14, 1963, I was employed at the New Port Motel as a clerk and PBX operator. My boss, MR. PETER GUARISCO, who owns the motel had left for a Rotary Club meeting at about 11:45 A.M. The meeting was at the Hub Club and was to start at 12:00 o'clock.

At around 12:40 JACK RUBY came into the motel and asked for PETE GUARISCO. I told him where PETE had gone and we started to talk. He told me of his business in Dallas and how it was nice to get away from it once in a while and how he had even gone to Mexico for a few days. He did not tell me when or where he had been in Mexico, but that he had already gone there. He introduced himself as JACK RUBY from Dallas and that he knew PETE GUARISCO very well and that he wanted to see him. He said that he was on his way to Dallas. He was talking to me alone, and he was by himself at that point - he came in alone. I then noticed this man sitting at a table about 15 feet from me fumbling with the phone and causing the lights to light up on the switchboard. The man had come in right after RUBY (a few seconds later). I then asked him if I could help him, and he said that he was just waiting for someone. He continued fumbling with the phone, but I didn't say anything to him as he appeared very nervous and

he appeared that he didn't want to be looked at or talked to by anyone. There were other people in the place, but he just sat there and fumbled with the phone and didn't talk to anyone. I kept looking at him because he made me nervous as the lights on the board were lighting up. I talked with RUBY until about 1:10 P.M. and during this time, he continuously turned around and looked at OSWALD and winked at him and kept talking. He continually stood right in front of my desk and the customers had to walk around him. RUBY also mentioned that he was either trying to charter a plane out of Patterson or going to catch a plane out of Patterson. He mentioned that he knew where to go in Patterson and that he was familiar with Patterson as he used to come down to the Hub Club in Morgan City and gamble. The Hub Club is owned by PETER B. GUARISCO (cousin) and I used to work there too, and I have seen CARLOS MARCELLO gambling there on many occasions. MARCELLO has also been in the New Port Motel and is a good friend of PETER J. GUARISCO.

After he (RUBY) finished talking, he walked out of the motel and walked toward his automobile. He walked out of the side door under the carport and OSWALD got up and walked out of the front door. They met at the car and both got in. The car was at least two or three years old. I don't know the make and can't remember the color. As I look at this picture of OSWALD, I am sure that this is the man that was in the motel with RUBY that day. He had a light colored T-shirt on, maybe faded green or faded blue and some old dirty bluejeans on. There was grease on the jeans and the shirt and a little grease on his face. His hair was messed up. Being as he was, I just thought that he was a mechanic. RUBY made no mention about car trouble. When MR. GUARISCO came back, I told him that some man from Dallas was

looking for him, but I didn't mention his name to him. He didn't question me on who it was, he just more or less passed it off. However, I remember that on the next day, Friday, November 15, he made a call to Dallas and charged the call to a Patterson number. The operator called me the next day and told me that GUARISCO had phoned Dallas and charged the call to a Patterson number and asked me if I knew the number, and I told her that I did not know the number and that she should talk to MR. GUARISCO. I also remember that MR. GUARISCO also made another call to Dallas the Monday after RUBY shot OSWALD, but I don't know who he called. I do know that the call was charged to the motel.

I remember RUBY also from when he used to come and gamble at Hub Club around 1945 to 1947. He used to come to Morgan City with a group of men from New Orleans to gamble at the Hub Club. They used to always talk about how it took them only one hour and 15 minutes to get here. RUBY used to always be very neat and well-dressed and always wore white suits and shoes during the summer months. He was a good tipper, and I have seen him gamble many times in the company of CARLOS MARCELLO.

It is common knowledge that MARCELLO loaned GUARISCO the money to build the motel, but no one could prove it. Also, MARCELLO has a sister who lives in Patterson.

I can remember that after RUBY shot OSWALD, I told him that this was the man who was looking for him that day at the motel. He became very nervous and when I asked if he knew RUBY, he said "Why do you ask?", and I repeated that he was the man that came looking for him. He got pale, and nervous and said that he had better call the FBI. MR. LELAND LYNN (FBI) was then contacted by Morgan City Police. When the agent questioned me,

I gave him the wrong description of RUBY and didn't mention anything about OSWALD because I was afraid of MR. GUARISCO. He stood right over me while I was talking with the agent and kept interfering and finally the agent said that he would check it out and left. As I did not hear from him in three weeks, I called him up and he came to my house and he said that he checked my story and it was a case of mistaken identity. PETE admitted to the FBI that he knew RUBY.

Around the last part of September or first part of October as it was just getting daylight, a woman came into the motel alone and said to me "room, room". I asked her for how many, and she put up four fingers and said "Four." I said \$10.00, and she shrugged and didn't say anything and just walked out. She walked to an old, beat up, model car, two-toned, either blue and beige or green and beige. There was a man in the car that appeared to be holding a baby and there were boxes and clothes stacked up on the back seat. This woman talked very much like MARINA OSWALD, but, of course, I couldn't swear to it. I particularly remember her hair, it was sort of golden, reddish color. They drove off in the direction of Patterson. I didn't mention this to the FBI man.

I don't know this picture of the man you say is DAVID FERRIE. I'm glad Mr. Garrison has opened this investigation and I want to help. However, I would want GUARISCO to know.

For: Lead & Boyle

Business Card of the 1960-61-62 era using Banister's Office telephone numbers, et cetera.

Box 357	NEW ORLEANS 9, LA.
MARTIN, NEWBROUGH & DALZELL PRIVATE INVESTIGATIONS	
PHONES: BUS. JA 3-4532 JA 3-4533	RES. WH 4-2123 TW 9-9681

Interesting place to be checked out...Neo-Nazi in indication operating in former Cuban area of activity by Americans with interesting back-grounds.

FFL NO. 72-2212-D	643-8695
LIBERTY ARMAMENT OF LOUISIANA GUNS - AMMO - BOOKS - ACCESSORIES	
ED THARP	2846 SLIDELL AVE. SLIDELL, LA.



Re: JOSE RABEL (NUNEZ)

# KILLING OF CASTRO PLOTTED, SAY TWO ORI T

Captured Exiles Appear  
at News Conference

By FENTON WHEELER  
HAVANA (AP)—Two captured anti-Castro commandos told a news conference Sunday they carried bullets tipped with potassium cyanide in a plot to kill Prime Minister Fidel Castro.

The two were among six captured Cuban exiles the Cuban government put on display at an extraordinary news conference lasting more than three hours. All six said they were recruited and trained by the U.S. Central Intelligence Agency in Florida.

Details of the plot against Castro were not given. But two of the captives said assassination of Castro was part of their mission. Bullets coated with the deadly poison were among the captured arms, Cuban authorities said.

## ADMISSIONS MADE

The carefully elicited admissions were made before delegates to the Havana conference, revolutionaries from 27 Latin American countries and visiting United States newsmen. The performance obviously added spice to the meeting of the Latin American Organization of Solidarity—OLAS.

It also apparently was aimed at offsetting Venezuelan charges that Cubans landed guerrillas near Caracas, Venezuela, in May.

The Communist party newspaper Granma called the prisoners' admissions "proof of the times that imperialism makes against Cuba."

Under questioning by three Cuban army officers, two of the exiles said they were agents of the CIA. In addition, four men captured July 18 were displayed with the arms and explosives the Cubans said they carried for terror and sabotage.

## FIFTH MAN WOUNDED

Cuban authorities said they also had arrested a fifth man, identified as Placido Hernandez. They said he was shot and wounded while resisting arrest and he was not at the news conference.

In Miami the militant anti-Castro exile group, Second Front of Escambray, said the men captured in Cuba were guerrillas from their organization.

The six prisoners were said to have lived in Miami but to have operated out of Tampa, Naples and Key West, Fla. All six said

## TWO TELL OF ANTI-CASTRO PLOT

Continued from Page 1

they were trained and recruited by the CIA.

## CAPTURED JULY 18

Cuban authorities said the four men who brought arms to Cuba were captured July 18 near Honda Bay in westernmost Pinar del Rio Province. They were identified as Jose Roy Rodriguez, Alberto Laucerica Diaz, Francisco Avila Azcuy and Pablo Garcia Roqueta. They said they were members of the Second Front.

Cuban army Lt. Jose Hamel identified one alleged CIA agent as Vincente P. Gonzalez Migoyo and said he was captured Saturday in Matanzas Province.

The other alleged CIA agent was identified as Jose Rabel Nunez, a Cuban government defector reported captured Sept. 4, 1965.

All except Rabel were dressed in what Cuba authorities described as "counterrevolutionary uniforms." Rabel wore civilian clothes.

## APPEAR FRIGHTENED

The prisoners appeared frightened at the outset of the conference but managed a few smiles during the more than three hours of questioning. They said they did not know if they were going to be shot.

Newsmen were permitted to question the six.

Although their stories were confusing and conflicting at times, it soon became apparent that the two men alleged to be CIA agents were accused of different operations.

In the midst of the confessions, the government also played a tape recording from a man it identified as CIA agent Tony Cuesta, captured in May 1966.

The government said two of the men betrayed their comrades to Cuban authorities, but it did not identify the two.

Garcia denied that killing the Cuban prime minister was part of his mission, but Laucerica said one objective was "the physical elimination of the leader of the Cuban revolution, Fidel Castro."

## TELLS OF TRAINING

Roy said he was paid \$200 for the mission and told a lengthy story of CIA recruitment and training in "security houses" in Miami. He described carrying out similar clandestine missions to Cuba before, but said the missions had been discovered and had not been able to land.

Under questioning by newsmen, Laucerica was asked if he felt his group could have carried out an assassination. He replied with a smile: "Circumstances force me to say no."

The four Second Front men said their objectives were to organize peasants against the government, sabotage sugar mills and power facilities and assassinate Cuban leaders.

They said they had been told 90 per cent of the Cuban population was against the government.

Garcia accused Armando Fleites, who he said organized the expedition, of betraying it by announcing the operation to Miami newspapers prematurely.

Cuban authorities said the four-man group came ashore from an "armed mother ship."

## NO COMPLAINTS

Asked about his treatment since his capture Saturday, Gonzales said he had no com-

plaints. "I expected something else," he said.

Rabel was identified as a former agrarian reform official. He said he defected in 1962 in an airplane and was met in Florida by U.S. officials who hustled him off to Washington for questioning.

He said he was paid \$650 monthly, plus expenses, as a

CIA agent and that more than 400 organizations in the United States worked for the CIA. Rabel, only one of the six who spoke English, said he came to Cuba to get his family out.

Cuban authorities declined to say whether the prisoners would be shot. The authorities said arms captured from the men in-

cluded a .22-caliber pistol equipped with a silencer and bullets coated with potassium cyanide.

Cuban authorities on previous occasions have exhibited captured Cuban exiles on television. But it was evident they wanted more exposure this time and hence conducted a news conference.